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The

Australasian Catholic Record

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"Pro Ecclesia Dei." *St. Augustine.*

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THOMAS HARRINGTON
CENSOR DEPUTATUS.

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1a die, Aprilis, 1959.

Official Documents

PAPAL ACTS

HOMILY

of our Holy Father, Pope John XXIII, delivered after The Gospel, during the ceremony of taking possession of the Lateran Basilica, Nov. 23, 1958.

Venerable Brothers and Dear Children,

To the salute exchanged at the threshold of this Our Basilica with the Cardinal Archpriest, We are pleased to add three thoughts for common edification. We would wish those thoughts to reach the ear and heart of each one as an echo of two solemn voices, which sounded long ago under these vaults of the Lateran Basilica, namely, the voices of the Supreme Pontiffs, St. Leo and St. Gregory, both great and glorious men, Bishops of the Church of Rome, Doctors and Fathers of the Church Universal.

The first thought reflects the solemnity and the joy of to-day's Ritual Ceremony; the second its high and mystic significance (as an admonition to the new Pope and to all the sheep of the flock of Christ); lastly the Blessing (the first of many innumerable blessings), which from the height of the Basilica will conclude this day's ceremony.

I.

THE RITE

The last time that this rite was celebrated brings the memory of the faithful of Rome back to the solemnity of the Ascension—May 18, 1939—when the Holy Father, Pius XII, always venerated and lamented, on reaching the Lateran for his taking of possession, gave a brief discourse of introduction, in which he said: "The cause of joy is universal, because the joyful festivity of the Pastor belongs to the whole flock." At almost 20 years of distance we enjoy and relish—who could have dreamed it?—in greater proportions (a sign of better times and circumstances) the joy of that manifestation, reduced though it was to a simple form. Pius XI, the glorious predecessor of Pius XII, had, ten years earlier, honoured the Lateran Basilica with the happy treaty of this name which surpassed by great lengths the Pontiff's simple and almost private form of introduction to his Basilica.

It is recorded that Pius IX entered the Lateran on the 8th of November, 1846, in perilous times, days of collective fever and threatening confusion. He had come in a carriage preceded and followed by a cortege of dignitaries on horseback.

But the solemn cavalcade of preceding centuries, registered in the Ordines Romani—especially Ordo XII, XIII, XIV of the 13th century—came to an end with Pius VI.

The event of taking possession of the Lateran Archbasilica, "omnium ecclesiarum urbis et orbis mater et caput" took in ancient times the signification of a more solemn investiture, a taking of supreme power in the ecclesiastical government by Rome throughout the whole world.

As a matter of fact, the Pope, after acceptance of his election by the Cardinals, has no need of this special investiture. He immediately becomes Bishop of Rome and Successor of St. Peter in the universal government of the Church. However, even in the great affirmations and manifestations of the spiritual and supernatural order the human eye has always desired and still desires to have its part. Peoples, times and tastes change. The grandiose corteges which in ancient days accompanied the newly nominated Popes as they passed from the Vatican to the Lateran, following the Via Papae (practically the same topographically as that followed by Us to-day)—such corteges would not be understood now. What the author of Ordo Romanus XIII—1271-1276—wrote of the times of Blessed Gregory X of Piacenza, Blessed Innocent V of Tarantasia, and Pope Peter the Spaniard (Petrus Hispanus) the XXI of the series John, whose name We have humbly taken, has had its day.

Though the pomp is gone, the reality has survived. No cavalcade now passes under the Campidoglio magnificently adorned, no stop is made to take the homage of Rome from the Senator, but the representatives of civil life are still present. They are here to-day under the golden vaults of this temple; they have come for the enthronement of the new Bishop of Rome as heir of the Prince of the Apostles, head of the Universal Church.

Yes, Our sacrosanct Archbasilica is an enchanting vision to-day, fulfilling the salute given to it by Pius XII, because it is distinguished by the prerogative of dignity, the memory of splendid events, and the monuments of antiquity.

Yes, this manifestation marks rather a happy return of right-minded men, animated by the spirit of Jesus, to peaceful and sweet thoughts, like this same serene demonstration of to-day. These events are of a spirit which, tempering the rough experiences of life, calms those resentments which daily vicissitudes and adversities multiply over our steps. It is a spirit of pardon, comprehension, love. The thoughts represented by the demonstration of to-day infuse new courage for the fulfilment of duty, for respect of the rights of others in harmony with what we consider to be our own good rights.

The entrance of the new Pontiff has lost along the way the pomp of the splendid times of long ago, but it has gained in spirituality and intimate penetration.

It is no longer on the prince adorned with the signs of power that eyes are turned; it is upon the priest, the father, the shepherd. A modern sociologist, a fervent Catholic of deep faith, at the beginning of this contemporary epoch, agitated by problems of social order and disorder, formulated for the XX century the wish that Christ should return on the shoulders of the people.

Alas! Christ is not yet seen coming back in the fulness of triumph; but the signs that souls are turning in weariness from vanity, and in disillusionment are running to the pure source of truth and life are more and more evident before our eyes; and this widespread participation in the jubilation of the Church over the succession of men called to higher and more responsible apostolic ministry is a sure indication of spiritual progress and abundant blessing.

II.

SIGNIFICANCE OF RITE: BOOK AND CHALICE

At the point to which the Sacred Liturgy has brought us, all is now concentrated on the sacred altar, where the eye sees two objects particularly precious and venerable, a book and a chalice.

Between the book and the chalice place the High Priest: place together with Him all who share in the priesthood, of every language, of every rite, here and in all parts of the globe.

The Bishop and the priests, who are his collaborators, express the first character of the pastoral mission in the Church: the teaching of sacred doctrine. Here in the Missal are the two

Testaments; here in the announcement of doctrine made to the people is the chief and highest point of Catholic priesthood, that is to say, the Bishop (as teacher).

The ancient Legislator appeared to the people under a lively impression of what he had seen, with two rays shining from his forehead; the first Gospel is that of Moses, history and prophecy, direction and guidance of souls and of the people.

Is not this, beloved children, the first task of the Catholic priesthood, namely to communicate the great teaching of the two Testaments, to make it penetrate the souls of men and their lives.

Jesus, the Divine Redeemer, the Shepherd, guides His flock with heavenly doctrine, and with the fire of this doctrine He sets the world aflame.

The Fathers of the early Church, the Writers of the great century, and the two more ancient and illustrious Bishops of the Lateran, named above, as also two of the greatest geniuses of the Church, St. Jerome and St. Augustine—what were they all but chiefly readers and interpreters of Sacred Scripture before the whole world?

And here—beloved children—We wish above all to insist on this sacred character of the pastoral ministry: catechetical instruction, let it be robust, splendid, attractive.

The new Pope, who stands before you, never ceases to remember Pius XII, the Pontiff whose immediate successor he is. Teaching was perhaps the most notable manifestation of his pastoral genius.

His teaching is gathered in twenty volumes, which have become a source of consultation for him, who intends, with the help of God, to follow in his footsteps.

The memory of Pius XII will remain glorious throughout the centuries. His merit, above all, consists in his timely announcement, always appropriate and profound, of the Gospel truth, through the rays of which Pius XII took all the manifestations of human genius, bringing them into the radiance of eternal truth, summing up everything in Christ.

Pray the Lord that Our activity, as new Pastor of the universal Church, may primarily keep to the luminous path traced by Pius XII and serve to gather round Our Person in greater numbers than ever those who cultivate divine knowledge.

We wish to see this divine knowledge illuminating the powers of the human intellect in all its manifestations.

Although all the cares of the pastoral ministry are dear to Us and urgent, We feel especially the duty of promoting continuously and universally and by active means enthusiasm for every phase of the Divine Book, which is appointed to enlighten human minds from infancy to old age.

Therefore, catechetical apostolate must be promoted. As Pope Pius IX used to say: "Spread the light, spread the light, spread the light."

The clouds of error are now, as always, being thrown up by pseudo-science to obstruct the clear and lucid view of the Gospel.

This is the significance of the open book on the altar. It stands for the teaching of true doctrine, the inculcation of a right discipline of life, the proper forms of religious elevation of the human soul towards God.

The first glory of every Pontificate is surely practical conformity to the evangelical command: "Go, teach." In this matter there is perfect accord between the Fathers of the East and of the West. As St. John Chrysostom points out, men of God have responsibility not only in regard to their own salvation, but they must give account of the salvation of the whole world.

Beside the Book we see the Chalice. Around the chalice the most mysterious part of the Eucharistic Liturgy turns. The chalice contains the precious Blood of Jesus the Saviour. That is our centre of mystical participation in the ecclesiastical body which is the Church.

Christian life is sacrifice. Sacrifice animated by charity conforms us to what was the final purpose of the life of Jesus who is our Brother and the Victim offered to secure our eternal happiness.

The Chalice upon the altar and the venerable rites that join the consecrated bread and wine in a single Sacrament, mark the highest point, the sublimity of union between God and man, and the perfection of our profession as Christians.

As one of the greatest geniuses of modern times in religious knowledge, namely, Bossuet, said: "There is no perfection of Christian practice and Christian life except in participation in the Eucharistic Banquet." To this catechetic instruction naturally leads and to this should go all the fervour of the pastoral spirit.

This point We desired to emphasise from the very beginning when We presented Ourselves to the world as Pastor first and foremost. On that day of Our coronation We seem to have been understood.

Always, dear children, seek the Bishop and the priest at the altar in the act of distributing the Body and Blood of the Lord. This is the substance of the religion which we profess; it is the "Nobiscum Deus"—God amongst us as revealed and contemplated truth and as perennial grace educating and sanctifying man, families, and the various forms of social union in the exercise of the highest virtues.

It is from the altar, this holy mountain, that we should see the things of earth, in order to judge them properly and use them properly. The solution of social problems must start from the altar, for the religion of the altar is the love of God, and the love of God is the love of justice.

The dignity of the Christian proceeds from the altar, and this is in the line of what St. Leo the Great said in the fifth century: Agnosce, Christiane, tuae sapientiae dignitatem, et qualium disciplinarum artibus ad quae praemia voceris intellige" (*Sermo* XLV, c. 7).

The exercise of that goodness which flows from familiarity with Eucharistic Communion makes to shine in man the image of his Creator, in such wise that the Christian comes to express in himself the characteristic lines of Christ's own face.

The law of justice: the law of goodness: the law of harmony, all comes to us from this doctrine of the Book, from this power of the Blood of Christ, for catholic belief and Eucharistic grace create an intimate spirit of fraternity.

Oh, the Church—One, Catholic, Apostolic and Roman, what a fascinating spectacle it is of respect, mutual charity, co-operation—spiritual, religious, civic, social co-operation.

THE BLESSING.

Beloved Brothers and children, forgive your Bishop, your new Pope, the exuberance of his words on those two fundamental points of pastoral ministry—a pastoral ministry which is renewed at every succession to the Papacy.

We have not the right to expect a long pontificate. In regard to Our humble life, the afternoon chant is what We repeat: "Largire lumen vespere: quo vita numquam decidat."

There is no surprise for him who keeps his eyes fixed on God. Even death is not a surprise: it is a sacred event because it is the portal of entrance to glory and joy unending.

This morning we entered San Giovanni with the chant of the *Te Deum.* We shall leave the Basilica invoking and distributing, arms wide, the great benediction. It is a privilege of this day and of Ascension Thursday for the children of Rome, because the Bishop of Rome unites in his person two incomparable dignities, that of diocesan Bishop and Pontiff of the universal Church.

The Constantinian Basilica, from which this blessing is given, has a title unique in the world: "Urbis et Orbis omnium Ecclesiarum mater et caput." The blessing is that of the common Father: Et benedictio patris firmat domos filiorum.

Christ, the Saviour, the redeeming power of Whose Blood renewed the world, His immaculate Mother and our powerful Mother, the Apostles Peter and Paul, the holy Patrons of the Lateran, John the Baptist and John the Evangelist, great Protectors of the city, special Protectors of the humble person of the new Pope — may all these: The Saviour and His Saints, be our defenders: protectors of Rome sacred and eternal, protectors of the Holy Catholic and Apostolic Church, for the salvation, the prosperity, the joy of the whole world.

Such will be the meaning of the Blessing pronounced over the great piazza at the end of the ceremony: Pax et benedictio Dei Omnipotentis, Patris et Filii et Spiritus Sancti. Amen."

ADDRESS

delivered at the Lateran Athenaeum, Nov. 27, 1958, for the inauguration of the Academic Year.

Venerable Brothers and dear Sons,

The project of a first contact with the old centre of Our ecclesiastical studies at Rome, just at the beginning of the new and unexpected ministry which Providence has entrusted to Our poor abilities, is now realised. And We are happy that it is.

There still stands before Our eyes and lives and in the emotions of Our heart that incomparable spectacle of the crowds of Our children of Rome, who flocked on the streets, last Sunday, as We were returning from the Lateran to the Vatican. Such numbers and the imposing and touching respect of those good

people are things never to be forgotten. We had just met Our Roman flock in Our Archbasilica, around the altar, joined in common veneration of the *Book,* in common adoration of the *Chalice,* and later under the ineffable caress of the great blessing imparted from the immense balcony of the monumental facade, invoking heaven's gifts on those innumerable heads, on those jubilant hearts.

At a short distance of time the same rite is, as it were, continued and prolonged here to-day. We are still gathered under the sacred shadow of the Lateran, still standing in reverence before the Divine Book, awaiting also the mysterious outpouring of the same Chalice of salvation and benediction.

Indeed, what is the resumption of studies in the Pontifical Lateran Athenaeum—what is the inception of its new Academic Year but a summons to the Book, to the great Divine Book divided into the Two Testaments? That Book has been honoured in voices of prayer during the Christian centuries; it has been offered to the respectful attention and to the profound study of new generations springing up from the nurseries of divine vocation, from the sources of that heavenly grace, which prepares future priests and apostles for the spread of Christ's kingdom on earth, for the service of His Holy Church.

We say this in great humility, We love to say it to you, and We say it with intense pleasure. The fact that We presented Ourselves from the first moment to Our children of Rome as wishing to reproduce the features of the Good Shepherd—this simple way of fixing Our steps in the path traced by Our venerated Predecessor, Pius XII, of holy memory, has filled Our heart with a great sense of confidence and courage. We feel like one who has already passed beyond the gate which opens a luminous way to the height in view—the height on which the supreme responsibilities of the Roman Pontificate show themselves in the very title reserved to the Prince of the Apostles: Pastor pastorum.

From the nearby altar of Our Archbasilica to these sacred halls of our Pontifical Athenaeum there passes one and the same current of light and heavenly grace. Surely, the prevailing occupation of university study in Ecclesiastical Schools consists in the search for divine knowledge and its elucidation. The Divine Book contains that knowledge and sums it up, not just as a subject of religious contemplation or of theological or philo-

sophical science, but also as a way of living, a body of practical direction for the apostolate of souls. This always remains the supreme ideal of the life of every ecclesiastic, who considers himself and intends to become in the holy Church of God a solid stone of construction and not a formless fragment of rock that will prove useless or scattered without any solid purpose.

A right accord, quickly found and faithfully kept between the exercise of fervent pastoral zeal and the perennial cultivation of good studies was always and always remains one of the purest joys of sacerdotal life.

That great Doctor of the Church, St. Jerome, when he had attained a venerable old age wished to impart to his dear young friend, Nepotian, the comforts of his senescent years in words which it is always pleasant to hear, whatever one's age may be. "Those," says St. Jerome, "who have succeeded in enriching their youth and adorning it *honestis artibus* (that is, with the fruit of good studies) and who have habituated themselves in early age to spend days and nights in the meditation of the law of the Lord, become more learned as they grow old: in the analysis of thought and in verbal expression, they become more terse and lucid; in the course of time they become more wise, and they taste the sweet fruits of those beloved studies of olden days" (Ep. 52, ad Nepotianum, P.L. Vol. 22, 528-529). Forgive this reference to the experience of another. We do not wish to dwell at length on the old scholar of Bethlehem. It is not Our wish to delay, seeking consolation, as it were, from one whom We are approaching in the reckoning of Our years.

It is to you, young students of heavenly wisdom that Our preference goes. The grim Dalmatian passed through the glitter of a world that was senescent and corrupt, and he hid himself, seeking real sweetness in the solitude of Palestine.

Little more than a century later an authentic son of Rome, whom fortune brought to the shores of the Bosphorus in the service of the Holy See, profited by a solitude which he created for himself with some few friends destined at a later time—all of them, he from Rome and the Lateran, the others from the outpost of the Catholic world, as it then was—to kindle the torches of truth and the Gospel as a saving light for dark times that were coming. I mean St. Greogory the Great, the most illustrious Pontiff of antiquity, the most distinguished

citizen of the Lateran, one of the purest glories of the Catholic Church in any age.

Beloved sons, if you wish to educate yourselves to wisdom, if you wish your spirit to relish with delight something uplifting and of perennial value, familiarize yourselves with the reading of the 35 books of the Morals of St. Gregory.

We have cited him in your presence on this solemn occasion, in order that it may live in your memory as an admonition and encouragement to study. And when We say study, We mean ecclesiastical studies made in view of preparation for the pastoral life, which is to be the chief honour of your priesthood. In reminding you of the glorious name of St. Gergory, We know that We assuredly have from heaven the favour and good pleasure of Our two immediate Predecessors in the Roman Pontificate, Pius XI and Pius XII. The former left as an inheritance to whomsoever should come after him the whole immense collection of Migne's Latin and Greek Patrologies, with a printed "ex libris" on each volume, bearing the simple and eloquent words "ad suum successorumque usum comparatis;" Pius XII, still more of a bibliophile than the great Milanese and Vatican librarian, left a deposit in splendid condition of large volumes of varied literature, all placed at the service of the Pope's work. It was not to serve merely as an ornament for a savant in various branches of science, but rather as spiritual food for a great Pastor.

To you, young men, aspiring to the aureola of the doctorate as the crowning decoration of your studies there is a passage of St. Gregory which will set before you its worth, and encourage you to obtain it. This is what he says: "The sky is set with stars, some ill-boding, some beneficent: Orions and Hyades. In this star-set sky the doctors of Holy Church are seen indicated. When the days of persecution had passed and of the martyrs, the doctors made their appearance, so that faith should return to shine with more effulgence, and, the winter of infidelity and violence being over and gone, the sun of truth should shed its rays of heat and light more powerfully on the hearts of the people. Rightly are the doctors compared to the Hyades because —note St. Gregory's happy expressions—*ad statum universalis Ecclesiae quasi in coeli faciem deducti*—the doctors are meant—they poured the showers of their holy preaching on the arid soil of the human heart. . . . When the learning of doctors appears,

our mind *imbre praedicationis infunditur,* and the heat of faith increases. The earth, moistened by the rain of heavenly doctrine, fructifies more, while the sun is flaming above. The fruits of good works are more abundant in the measure that the flame of sacred learning burns more vividly in the heart.

Therefore, by the work of the doctors, heavenly knowledge shows itself daily more and more; through the interior light of the spirit spring is renewed; new sunshine enlightens our eyes, and revealing itself by the elucidation which the doctors bring daily, its beauty captivates and uplifts us more and more" (*Moralia,* lib. IX, cap. VI).

Beloved sons, before this citation from St. Gregory We stop, while still feeling in Our heart the desire to continue this conversation with the youth of the Lateran, as in the good times of old. We recall the year 1925, the year that We received the fulness of the priesthood. That was the year in which, under obedience, We were sent as Papal Representative to the Near East first, and later to the West. We were thus placed in conditions that gave Us precious experiences through contact with many people of various character and varied history. Often there returned to Our mind, as We thought of the Fathers of the Church, those words of the XXV Homily of St. Gregory on the Gospels: "As I wandered here and there, I met the night watchmen that guard the city, for the Holy Fathers who look after the good estate of the Church—sancti Patres qui Ecclesiae statum custodiunt—come to meet our good desires and with their words and with their writings they furnish us with information and teaching that is really precious."

The love of these good studies, the information and precious teaching, which the Fathers and Doctors have given and continue to give us, must remain as living encouragement. They must be transformed into a noble declaration that our aims will be good, in order that the Academic Year which is officially beginning to-day, may be for each and for all together a cause of real consolation.

Allow Us to conclude with a personal reminiscence. Something in our lives, which is particularly pleasing, is confided now and again to discreet pages, which, on being re-read at a distance of years and events, fill the heart with tender joy.

The person that is now speaking to you was invited one day

by His Eminence the Cardinal Vicar of His Holiness, Basil Pompili—who does not remember him with respectful and smiling sympathy?—to take, here at the Lateran, the place of the professor of patrology, who had just died.

Those lessons of Ours were fifteen in number, for there came to Us, almost immediately, the obedience to leave the Movement of missionary co-operation and proceed from Rome to the Near East.

Those fifteen lessons, from the Apostolic Fathers to St. Cyprian, interested Us so much, that they stand, at a distance of thirty-three years, as a motive of humble but sincere jubilation.

We really do not know to what the success of those lectures was due, but We remember well the joy and applause with which Our dear students accompanied and underlined each lecture. It did, indeed, come as a surprise to have to close this course so unexpectedly, when teaching seemed so spontaneous, well-ordered and easy.

Allow Us to express with all familiarity the wish that, during the course of this Academic Year, all the lectures, *humiliter dicimus,* may be surrounded with equal fulness of satisfaction and joy: both on the side of the teaching of the professors and the application of the students.

Finally let Us affectionately raise Our thoughts, formulating serene wishes for the Ecclesiastical Institutions of the City in a common salute of well-wishing and blessing.

Those Institutions emit their light from the beautiful heaven of Rome, beginning from the Papal Gregorian University, with its inscription "religioni et bonis artibus" on its old facade, to the whole constellation that follows it—all equally dedicated to the elucidation of the Sacred Book to the formation of the future apostles of good doctrine, to the perennial glory of the Church—holy and blessed.

NOTE

The announcement made by the Supreme Pontiff to the Cardinals at the Monastery of St. Paul Outside-the-walls on January 25, concerning the triple project of a Roman Synod, a modernization of Canon Law, and an Oecumenical Council is not yet to hand in the official pages of the *Acta Apostolicae Sedis.*

SUPREME SACRED CONGREGATION OF THE HOLY OFFICE

NOTIFICATION

It is hereby made known, that the Supreme Sacred Congregation of the Holy Office, having examined the alleged visions of Sister Faustina Kowalska, of the Institute of Our Lady of Mercy, who died near Cracow in 1938, has decided as follows:

1. The prohibition of the Holy Office falls on the diffusion of the images and writings which present the devotion to the Divine Mercy *in the forms proposed by the said Sister Faustina.*

2. Entrusted to the prudence of Bishops is the task of removing any of the said images which may possibly have already been set up for public veneration.

From the Palace of the H.O., March 6, 1959.

W. LEONARD.

St. Patrick's College, Manly.

SHORT NOTICE

THE BENEDICTINES OF THE SYLVESTRINE CONGREGATION, Rydalmere, 1958. 31 pp. Illus. 9d.

It was a relief to find that when the Benedictine Nuns left Subiaco for West Pennant Hills after 108 years at the historic monastery, the property came into the hands of the Fathers of the Sylvestrine Congregation. St. Silvester (1177-1267) established a branch of the vast family of St. Benedict at Monte Fano in 1248—the date at which the Congregation won the approval of Pope Innocent IV. The Congregation flourished in Italy, but the trouble of the 19th century caused its superiors to make foundations in America, Ceylon and, now, in Australia. At Subiaco, the Fathers have opened a school for boys. The pamphlet gives a good account of the aims of the Congregation and of its various works. The life of the monks—priests and brothers—is described, so that any man or boy who feels attracted to the ancient rule of St. Benedict will have a guide in his hands. The sound of Benedictine chanting has come across the Parramatta River for over a century. The nuns made the first century, so we can hope for another century from the Sylvestrines.

—T.V.

The Date Of The Last Supper: A New Hypothesis, II

REACTIONS

SUMMARY:

Reactions to new theory. Initially encouraging, with one notable exception. Assessment—Certainty of existence of calendar. Uncertainty as to extent of its use and possible modifications outside Qumran. Some affinity between apostolic circles and Qumran sufficient basis for hypothesis. Liturgical tradition also limited. Bearing of calendar on Easter controversy.

New and striking hypotheses seldom advance over undefended terrain to occupy entrenched positions without a battle. Nonetheless the reactions to the appearance of the articles originally expounding the new theory were by no means consistently hostile. Father Vogt, Rector of the Pontifical Biblical Institute, noted the theory with the interest of the specialist in a note in *Biblica,* and followed this up with a longer, more popular exposition in the review *Christus.* Father Joseph Gelineau, of psalmic fame, waxed enthusiastic in *Maison-Dieu,* the French review of pastoral liturgy.[1]

Not that the theory of Mlle. Jaubert was met all along the line with outstretched arms and given a victor's welcome into the citadel. Fray Perez de Urbel, a Spanish historian, made an immediate sortie which seems to have been in the nature of a very vigorous repulse. Data, though apparently by no means concessa, that it did not intrude dangerously on the field of sacred theology, he yet liberally anathematized the theory as "rash, inconsistent, and in every way false."[2] Later counter-attacks have lacked such colourful vigour. The strength and careful deployment of Jaubert's forces are generally acknowledged, even where reviewers do not feel constrained to raise the white flag.

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[1]*Biblica,* 36 (1955), 408-413. *Christus,* II (1956), 413-421. *Maison-Dieu,* 43 (1955), 165-167.

Theology Digest in its issue of Spring, 1958 (Vol. VI, No. 2), presented a cross-section of reviewers. The theory was outlined by George W. McRae, S.J., in the *American Ecclesiastical Review,* May, 1958, 294-302, A brief review in *Theological Studies,* 19 (1958), 418f, came from the same pen, and the book was welcomed with a review-article in the *Catholic Biblical Quarterly,* XX, (1958), 192-199, by Mgr. P. W. Skehan. The theory stirred a ripple in the *Jewish Quarterly Review XVLII* (1957), 293-295, and has been the subject of articles in French, Spanish, Italian, Irish, English, American and German periodicals. Probably the most searching critique yet to appear is that of J. Delorme in *l'Ami du Clerge,* 67 (1957), 218-223; 229-234.

[2]Quoted in *Theology Digest,* 121.

We shall try to point out those positions at which attacking reviewers have engaged battle and establish how the line is holding, what points seem definitively taken, and those other sectors where the stiffest resistance has been encountered. Let us first underline the fact that what was proposed was an acknowledged hypothesis. Jaubert herself would be the first to admit that it entails difficulties peculiarly its own. But—and this applies especially to her attempt to reconcile the Synoptic and Johannine chronologies—we cannot pretend to exhaust the rights and wrongs of the question by facile application of the well-weathered axiom, *Melior est condicio possidentis.* In this matter no one theory has ever possessed the approval of all writers. Nor is it in any way strange that an hypothesis should contain certain hypothetical elements.

Her forces are deployed in three separate, but connected sectors: the calendar itself; the tradition, liturgical and exegetical, of the first three centuries; the chronology of the Gospel narrative. A reading of the reviews suffices to show that a complete assessment requires more specialties than are commonly combined in one author. Let us briefly deal with the criticisms of reviewers on the first two scores to deal at greater length with what touches the story of the Passion.

THE CALENDAR ITSELF

There is nothing at all hypothetical about the existence of the calendar that Jaubert has applied to the Gospel narrative of the Passion. There was such a calendar, nor was she the first to discover it. But she succeeded in showing that it was in actual use in the time of Our Lord among the Essenes of Qumran.[3]

Is it, though, a traditional calendar, much older than the community that used it? Yes. We can safely accept the judgment of Mgr. Patrick Skehan of Catholic University, Washington: "There is no doubt whatever that the calendar in question is the one which underlies the dating by numbered months and numbered days in the Pentateuch and (the other texts cited previously)."[4]

That is, the calendar is at least as old as the priestly school which edited the Pentateuch after the Exile. The vagaries of its

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3Thus correcting the statement of H. M. J. Loewe in the *Encyclopedia Britannica,* "The calendar (of Jubilees) has been described by Moore as a reaction against Hellenism. That it ever was used is more than doubtful" *Art.* "Calendar," 12 ed. 1944, Vol. 4, 581.

4*Art. cit.* 194.

history need not detain us, they are not such as to disprove what has so far been asserted.[5]

The main problem that arises is that, in the course of time, a person following the priestly calendar of 364 days would get out of step, not only with the official 354 day calendar, but with the seasons and the feasts dependent on them. The liturgical feasts could well continue to fall on the same day of the week each year, but the offering of the first sheaf, on Sunday the 26th of the first month in the Qumran calendar, might fall due when there was no sheaf to offer. Was there any device to make good the difference? If not, then it would be comparatively rarely that the official Pasch and the priestly Pasch fell even in the same week.[6]

Hence the interest of a group of fragments found in Cave 4 at Qumran[7] showing that the Essenes addressed themselves to this problem, and worked to keep their calendar in some sort of step with the official lunar 354 day calendar by means of a month intercalated when necessary. Fr. Vogt has shown at what point in a cycle of years supposed by the fragments the official Pasch will fall on Saturday with the Essene Pasch, as ever, falling on Wednesday, the position the new hypothesis favours. It seems that the Pasch of the official calendar never coincided to the day with the Pasch of the priestly calendar, perhaps by reason of the express reaction of the formulators of the official calendar to its older priestly rival.

To what extent had this priestly calendar gained, or retained, any currency outside the walls of the monastery? And if the Essenes had felt the need to synchronise it as best they could with feasts calculated according to another calendar, then surely others, deeply attached though they might be to the priestly

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[5]Delorme considers the enumeration of 24 classes of priests in *I Par.* 24, 7-18 to favour a lunar calendar. *Ecclesiasticus,* too, (43, 6-8), may refer to a lunar calendar. *Cf. art. cit.,* 221.

[6]A difficulty raised by several writers. Cf. L. Johnston, *Scripture,* 9 (1957), 108-115.

[7]E. Vogt, *Kalendarfragmente aus Qumran, Biblica,* 39 (1958), 72-77. The calendar fixes the days of liturgical service of the priestly families and gives the *date* of the liturgical feasts. The fragments deal with a "first year." In this year the Friday of the service of the order of Yehezkel, the 22nd of the 11th month, fell on the 29th of the 11th month of the official calendar. This point at which the known "official" calendar and the Qumran calendar coincide has enabled Father Vogt to compile tables synchronising the two. Some points remain doubtful. How many years were there in the cycle of which this year was the first? He suggests either six or three.

calendar, had tried in their own fashion to keep the best of both. Their varying systems would have introduced confusion thrice confounded. And why, in the event that Christ and His apostles did follow the priestly calendar, would they not have followed it in a form modified differently from that of Qumran?

Here we can only invoke an undoubted affinity existing between the community of the first disciples of Christ and Qumran circles. Without exaggerating their similarities, a temptation, as experience has already clearly shown, too often succumbed to,[8] it seems that they are such as to give a reasonable probability to the hypothesis. But so long as we are as ill-informed as we are at present on the extent and manner of its use outside Qumran, we can never hope to propose its employment by Christ as more than a hypothesis.

SUPPORT FROM TRADITION

What are we to think of the indications of the Didascalia, as well as the statements of Epiphanius and Victorinus of Pettau? Can they carry the weight they are made to bear? Do they prove that the priestly calendar was used by the primitive Palestinian church? Are they sign posts on a road that leads us back to the practice of Christ and the Apostles?

Some critics have found them "too secondary and unconvincing," and have claimed that the testimony of the Didascalia is "confused and late."[9] As summary statements, at least, these remarks sound a little sweeping. Whatever be the origin of the separate sources composing the Didascalia, Jaubert has shown sufficiently clearly that in favour of a Tuesday evening supper there was a distinct tradition of Judaeo-Christian origin, alive as well in the separate milieux of Epiphanius and Victorinus.[10] On the other hand, there is no tradition at all

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[8]Edmund Wilson, *The Scrolls From The Dead Sea*, New York and London, 1955, has a strong claim for the blue ribbon in this respect. The book became a best-seller, only with the reviews in the periodicals did the reproaches of the reproachers begin to fall. Fr. de Vaux, O.P., gave it a particularly warm welcome in the *Revue Biblique*, LXIII (1956) 477f, and the necessary correctives, so far as concerns the figure of Christ Himself, were administered by Geoffrey Graystone, S.M., in *The Dead Sea Scrolls And The Originality Of Christ*, London, Sheed and Ward, 1956.

[9]Urbel, T. A. Burkill in *Numen* 3 (1956), 161-177, cited in *Theology Digest*.

[10]Epiphanius, eventually Bishop of Salamina in Cyprus, was born in Judea in 315 and later returned to Palestine for a period. Victorinus' Palestinian connexions, if any, are undetermined.

in favour of Thursday evening at that date. When St. Irenaeus says that Christ "ate the Pasch and suffered the following day," even if he does refer to the death of Christ, he is stating what he considers a natural exegesis of the text, not reading it in the light of an alternative calendar he received from tradition.

What strikes us as strange, though, is that the tradition enshrined in the Didascalia seems unknown to those whose reading of the Gospel texts suggested quite naturally a supper on the eve of Christ's death. This would mean that the tradition of the Didascalia was conserved in relatively restricted circles.[11]

Jaubert proposes a like difference of calendar as the solution to the famous Paschal controversy of the end of the second century. The bishops of Asia Minor defended the venerable tradition dictating their practice as something inherited from Polycarp, the apostle Philip, and even John himself.[12] Following this apostolic tradition they celebrated the Pasch on a changing day of the week. If we suppose that this was the "official" Pasch of which alone the writer of the Fourth Gospel speaks, and that the churches of Rome, Palestine, Alexandria, etc., following the ancient calendar were celebrating their Easter on a fixed day, by now Sunday, then we are confronted with the same opposition as within Judaism—a changing day of the lunar month versus a fixed day of the week. Each side's defence of its position as based on an apostolic tradition becomes understandable, so that, as far as the apostolic tradition governing the date of their respective Easters, Rome could well have been in the right without the churches of Asia being necessarily in the wrong.

One certain fact towers, so far, over a number of probabilities, the existence of the "priestly" calendar, which has left its mark on the Old Testament. There is certain evidence, too, that this calendar, as preserved at Qumran, was kept in reasonable tune with the official one. Outside Qumran we have no certainty, but sufficient probability to suggest the hypothesis of its use by Christ and the Apostles. We do not have sufficient in the documents of the time to assure us that this was, in fact, the calendar Christ used.

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[11]Cf. Delorme, *art. cit.* 222.

[12]The controversy, the opposing sides and their authorities can be found in Eusebius, *Ecclesiastical History*, V, 23-25, translated by Roy J. Defferari, Vol. 19 of *The Fathers of the Church*, New York, 1953.

If we try to work back to the practice of the primitive Church and Christ Himself from liturgical tradition, we cannot satisfactorily bridge the gap between the tradition of the Didascalia and the time of Christ. True, this seems to be the only tradition then extant, in the sense of an observance continued because handed down,[13] but against this there cannot but be urged its limited extent, for it is hard to write off the practice of the other churches as being based solely on a superficial reconstruction of the Gospel chronology. It is this fact that gives us pause before we point to the tradition of the Didascalia as anything more than a second convergent probability, a sign-post pointing the way from a distance, though we should feel surer of our destination if there was one closer to the goal.

The question of the Paschal controversy is an interesting side-light but adds no more to our certainty. It, too, has its difficulties, but it is some measure of the interest of Jaubert's central contention that it promises to throw light on a variety of connected issues.[14]

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(To be concluded)

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[13]Until about 150 A.D. the churches could base their practice on oral tradition, without recourse to the written Gospels, which became necessary afterwards.

[14]Attention should be drawn to an important review of Jaubert's book in the latest issue of the *Revue Biblique*, 65, (1958), 590-594, which was not available until this section was ready for the press. Fr. P. Benoit, O.P., professor of New Testament exegesis at the *Ecole Biblique*, examines the nature of the tradition of the Didascalia concerning the Tuesday evening supper. He considers that a pre-existing Jewish liturgical practice dictated the Didascalia's allocation of the beginning of the Passion to the beginning of Wednesday, which, with Friday and Sunday, was singularised as a liturgical day in the sacerdotal calendar. This served as justification for an ancient Jewish Wednesday fast, continued by Judaeo-Christians. "The Intention of the Didascalia is as manifest as its genre litteraire in this passage (*c. XXI*)—it is a question not of narrating history, but of justifying by history a ritual usage, the fast of Wednesday and Friday" p. 591. That this tradition was current in Judaeo-Christian circles indicates a "certain community with the Jewish circles which followed the ancient sacerdotal calendar," e.g., the Essenes of Qumran, but reminds us that we cannot identify a particular Judaeo-Christian circle with primitive Christianity as such or the practice of Christ Himself. To do so we should have to be able to show that a Wednesday Pasch after the Essene manner is not surprising in Christ, but corresponds to His habitual conduct, and that the Synoptics had lost all trace of it. Both these points will be touched on in the concluding section of this article.

The Nature Of The Power To Confirm On The Part Of The Extraordinary Minister

The particular problem that we want to consider has interested the minds of theologians and canonists for many years. We find it discussed by writers before the time of the Council of Trent (Cappello, *De Sacr.*, n. 204), and even now since the recent decree *Spiritus Sancti Munera* (38 AAS 349) authors are anxious to look for confirmation of one theory over another. Authors continue to dispute the question which has been described by Pope Benedict XIV as one of "great difficulty and complexity" (*De Syn Dioec.*, lib. 7, c. 8, n. 7). Our purpose is to present the several opinions that have been held by theologians through the years and to evaluate them from a consideration of the difficulties that have been offered by opposing schools.

The distinction between the *ordinary* and *extraordinary* minister of the sacrament of confirmation according to those very words is taught by the Council of Trent: "Si quis dixerit sanctae confirmationis ordinarium ministrum non esse solum episcopum, sed quemvis simplicem sacerdotem, anathema sit" (Sess. VII, can. 3 de confirmatione). In the *Decretum pro Armenis* we find the same terminology. "Ordinarius minister est episcopus," and finally we have the form consecrated in the Code of Canon Law: "Extraordinarius minister est presbyter, cui vel jure communi vel peculiari Sedis Apostolicae indulto ea facultas concessa sit" (c. 782). It is interesting to know that from the discussions at the Council of Trent it was determined that the formula of the Council of Florence should still be used. Father DeSmet alludes to this historical point:

> "Proposita fuerat damnanda propositio: 'Confirmationis ministrum non esse solum Episcopum, sed simplicem sacerdotem; sed per decursum disputationum, tam coram Patribus quam coram theologis minoribus, provocatum est ad facta historica attestantia partes habitas a simplici sacerdote in ministerio Confirmationis, et votum fuit emissum ut articulus reduceretur ad formam Concilii Florentini, quod addiderat: *ordinarium* ministrum; quod votum in definitiva redactionis fuit admissum, postquam alia praevia formula fuerat proposita: 'si quis dixerit quemlibet sacerdotem esse ministrum Confirmationis, anathema sit' " (DeSmet, De Confirmatione, p. 329).

The Church attaches a striking importance to the doctrine that a simple priest is not the ordinary minister of this sacrament but that he administers it validly only in virtue of the

delegation of the Holy See. A conspicuous indication of this may be pointed out in the latest edition (1925) of the *Roman Ritual* in which the priest who administers confirmation by special indult is told that he should preface the ceremony by publicly warning the faithful that only the bishop is the ordinary minister of this sacrament, and by reading aloud, in the vernacular, the decree of delegation in virtue of which he is about to administer it as extraordinary minister.

Therefore, as long as we remember to call the simple priest the extraordinary minister of this sacrament, we are on safe terrain. However, we must always recognize from the undisputed facts of the past, from the history of instances in which priests were empowered by the Holy See to confirm, from the present discipline of the Church, which, besides communicating this power to certain priests by special indult, allows it *ipso jure* to certain dignitaries enumerated in the Code of Canon Law (c. 782, para. 3), and from the more conspicuous fact that the Church recognizes, subject to some exceptions, the validity of confirmation by priests of the Eastern communities, whether uniate or dissident, from all these facts, we must conclude that by indult, delegation, or dispensation of the Holy See (these terms seem in this matter to be used indiscriminately in ecclesiastical documents), a simple priest becomes able to confirm validly. Still, it must be pointed out that the chrism must be blessed by the bishop.

OPINIONS ON THE QUESTION

The facts as proposed and the law of the Church as stated above lead us to the precise point at issue. What precise power is there in the simple priest by which he is constituted extraordinary minister of the sacrament of confirmation? Do we adequately explain the inability of a priest to confirm validly without the commission of the Holy See by saying that it is due to a lack of the power of orders or of the power of jurisdiction? A satisfactory answer to this question will not be reached unless several other problems are considered and we are sure that the limitations set by this article will prevent our consideration of each of them sufficiently. The question of a possible separate character in the Episcopacy to explain the fact of the bishop being the ordinary minister of confirmation is overlooked by several authors. Does the bishop in virtue of the Episcopacy receive a new character, or is this character merely an *intrinsic*

extension of the sacerdotal character? Or is the theory correct, which views an explanation for the administration of the sacrament of confirmation at the hands of a simple priest by an appeal to an *extrinsic extension* of the sacerdotal character? Father Connell attempts to show that in this theory there is a more plausible explanation for the whole question of the extraordinary administration of the sacrament of confirmation, and also for the question of a simple priest administering the minor orders. (*American Ecclesiastical Review,* 72, (1925) 342). We shall consider this later. Thus it might be said that after some small study of the various implications of these associated questions and the different opinions on the nature of the extraordinary power to confirm, we agree with Benedict XIV that the problem is one "of great difficulty and complexity."

We would like to advert to just two points before entering upon this question. We are little surprised in the first place, to see that Father Cappello does not pigeon-hole certain authors into certain schools because of the shade or two which will keep them outside such a particular classification. Secondly, we are inclined to question the value of the *communis* note which some authors ascribe to a certain opinion. Where some authors will consider the Billot opinion the more common opinion and include St. Thomas in their list of supporters, other authors will say that the opinion of Suarez is by far the more acceptable to theologians. We would finally like to mention that there is a certain readiness to place an author in a school to which he does not belong. At least there is reasonable doubt in the face of the little evidence we have. A case in point is the position of Father D'Ales: Father Cappello would have him supporting the Suarez-Bellarmine school; Father McCarthy (*Irish Ecclesiastical Record,* 70, p. 347) would classify him with the Billot opinion, and this on the score of the very same words of Father D'Ales!

It is certainly true, as Father McCarthy points out, that the Decree of 1946 was not concerned with theoretical questions but with the unfortunate problem of the children who die without confirmation, because a bishop, the ordinary minister of this sacrament is not on hand to administer it. Father McCarthy then proceeds to show that the power given to a priest by indult (at least from the language of the indult or the decree) is very closely analogous to a power of jurisdiction, which, of course,

presupposes the requisite power of orders, namely, that of the priesthood. Thus a deacon could not be delegated to confirm. Not all authors would agree that delegation is equivalent to a grant of jurisdiction and Father McCarthy would be the first to admit that a certain argument cannot be derived from this one *locus.* However let us not proceed any farther before we have offered a suitable division of the several opinions of theologians on this intricate point. We may accept the division of Cappello, realizing that in only one or two cases does he mention any particular author. We may synopsize them as follows:

(1) The priest who confirms as extraordinary minister does so validly from the power of orders alone. The delegation of the Pontiff adds nothing.

(2) In the early centuries of the Church a simple priest administered the sacrament of confirmation validly by the power of orders alone. Delegation was necessary *only for liceity.* To-day, because of the will of the Church, both orders and delegation are necessary for validity.

(3) The delegation of the Pontiff gives to the priest a *peculiar power of orders or a peculiar augment of the power of orders.* Thus is he constituted the extraordinary minister of this sacrament.

(4) The delegation of the Pontiff gives to the priest a *peculiar power of jurisdiction* which conjoined with the power of orders renders him an extraordinary minister of confirmation. The proponents of this theory say that here we have a situation similar to confession and matrimony.

(5) The simple priest has a power that is *absolute, perfect,* and *independent* with regard to the sacraments of baptism and the Eucharist. However, his power is *inchoative, imperfect, conditioned* and *dependent* upon the delegation of the Holy Father with regard to the administration of confirmation. Therefore it is necessary that this power become *perfect* and *absolute* from the commission of the Pope. Granted that the Holy Father has delegated the simple priest, he confirms *ex ipsa sua potestate presbyterali.* In favour of this opinion Father Cappello cites Bellarmine (*De Sacramento Confirmationis,* cap. XII) and Father D' Alès whose following words Father McCarthy believes can equally support the Billot position which is given below. The disputed words are these:

"Le ministre délégué confirme en vertu du pouvoir reçu dans son ordination, main surélevé par délégation et adapté à une oeuvre qui normalement le dépasse" (D'Alès, *Baptême et Confirmation,* p. 162).

(6) The simple priest has the full and perfect power to confirm but the power is always conditioned and dependent upon the will of the legitimate superior for its exercise. The proponents of this theory argue that if a simple priest in virtue of his ordination becomes the minister of baptism even in its solemn form, why should he not also, in virtue of the very same power become the minister of confirmation since confirmation is the perfection and consummation of baptism. Again they say that it is difficult to see how the tremendous power to forgive sins and to change bread and wine into the Body and Blood of Christ are given to a simple priest, and yet the power to confirm which is not so august is not conferred in the sacerdotal ordination.

This will suffice as a short outline of the different theories that have been proposed. We will ourselves add to this division because it seems to exclude the interesting theory of Lercher and Straub and to pass over the opinion on the extrinsic extension of the sacerdotal character. Let us consider briefly each one of these schools.

EVOLUTION OF OPINIONS

The *first opinion* is erroneous, as Cappello says, and we might cite the significant words from the letter of Pius X *Ex Quo*:

"Cui haud minus absonum est validam habendam esse Confirmationem a quovis presbytero collatam" (3 AAS 119).

Furthermore we know that Benedict XIV declared that the sacrament of confirmation administered by a simple priest of the Latin rite who had only delegation from his bishop was null. Therefore we may rule out at once this explanation of the radical power to confirm on the part of the extraordinary minister.

DELEGATION REQUIRED BY WILL OF CHURCH

The *second opinion* according to Cappello does not lack probability if we consider the question of the Church's power over the sacraments. As we outlined this theory before, it proposes that in the early days of the Church a simple priest

administered confirmation validly by the power of orders alone. To-day because of the will of the Church, both orders and delegation are required for validity. In the past delegation was necessary only for liceity. Saint John Chrysostom seems to have held an opinion much like this:

> "Non multum spatii est inter presbyteros et episcopos; nam etiam presbyteri docendo munus acceperunt et Ecclesiae praesunt; ac quae ille de episcopis dixit, etiam presbyteris competunt. *Sola namque ordinatione superiores sunt, et hinc tantum videntur presbyteris praestare*" (Chrys., P.G. 62,553).

The words of St. Jerome, frequently quoted, seem to indicate the same idea: "Presbyterum omnia facere, quae episcopus excepta ordinatione sola" (*Epist. ad Evang.* R.J.1357). Lercher appears to believe that Pseudo-Dionysius can be put in the same category. However, we have not been able to obtain much satisfaction from the reference he offers (*De Eccl. Hier.* V,1,5P. G.3,505). We may list here also Mendive (*De Confirmatione,* c.3), the author of the article in the *Dictionnaire,* Dolger and DeSmet. The author of the article in the *Dictionnaire* says briefly: "La question dogmatique de la validité du sacrament administre par un simple prêtre est résolue: *elle depend uniquement de la volonté de l'Eglise et dès lors du pouvoir de jurisdiction*" (D.T.C. 1923, Ordres, Ministre Extraordinaire, col. 1075, 1048). Dolger also believes that a simple priest has the power to confirm in virtue of his ordination. The fact that his administration of confirmation is invalid now if not accompanied by the delegation of the Pontiff is explained by Dolger as due to the declaration of the Church that such administration is invalid. Where the invalidity has not been declared as in the Eastern Church, there the simple priest validly confirms. What is conferred by the Holy Father is not something positive but something negative, the removal of an impediment or an obstacle to the exercise of the priestly power. Father Lennerz objects against this explanation on the grounds that it cannot be seen according to this theory how a simple priest does *not* have the power to confirm. Dolger would retort that anyone who here and now cannot exercise validly some power he possesses may rightly be said not to have the power to place the act (Dolger, *Das Sakrament der Firmung,* Wien 1906, pp. 206-222).

We must admit that the most convincing presentation of this second opinion is given by Father DeSmet (*De Confirmatione,* pp. 329-331). After he outlines his theory he attempts

to show how it best agrees with the tenor of various statutes and regulations from early times and how historical cases can be more easily resolved. It is precisely on this latter point that Cappello attacks the DeSmet theory: "Haec sexta opinio—Billot, etc.—devitat difficultates quae habentur contra secundam sententiam —DeSmet, etc.—*ex antiquis documentis desumptas*"). DeSmet asserts that it is commonly understood that the dogmatic formula—Episcopus est minister ordinarius; simplex sacerdos est minister extraordinarius confirmationis—signifies that *only* the bishop in virtue of his ordination validly confirms but that the simple priest has only an initial and inchoative power to confirm that is given to him in his sacerdotal ordination. Such an incomplete power, according to this common interpretation, must be actuated and completed by the delegation of the Holy Father; without the latter commission the simple priest can never validly confirm. DeSmet then says that the dogmatic formula is better understood if it is construed to mean that the simple priest has the power to confirm validly *de se et vi Ordinationis suae,* but that according to apostolic usage the *valid and licit administration* of the sacrament was reserved to the bishop. Therefore in early times and in ordinary circumstances a simple priest confirmed validly but illicitly. However the church, according to DeSmet, always retained the power of restricting the exercise of sacerdotal power and thus she could require either the episcopal character for the valid administration of this sacrament or she could place one or the other condition upon the conferring of confirmation—special delegation from a bishop or the Holy Father—in order that a simple priest might be constituted its minister. The church did not use her prerogative in the beginning but now she does and with regard to simple priests even *sub poena nullitatis.* DeSmet alleges that the tenor of various decrees and statutes from earliest times which refer to the reservation of this sacrament to the bishop speak in such a way that he alone is the habitual *valid and lawful* administrator of confirmation. He cites the words of Innocent I, who declared: "*non licet* presbyteris confirmare;" he mentions also Gelasius I (492-496), Gregory the Great, and various synods, and seems to argue that wherever a phrase such as "non licet presbyteris confirmare" occurs, it is evidence to prove his theory. DeSmet adduces another argument from the fact that in the past it was easily permitted for a simple priest to

confirm in the case of necessity or with the indult of a bishop, and that this was the practice without any trace of delegation from the Holy Father. The strongest point seems to be the custom in the East where a simple priest administers confirmation immediately after baptism. DeSmet shows how the Church of Rome frequently recognized the validity of such administration and that in the Council of Florence when there were many objections raised against the Greeks and among them this thorny one of the conferring of confirmation by a simple priest, we know that such a practice was not condemned. As DeSmet puts it: "additur autem quod illa omnia 'a Latinis objecta Mytilensis (Episcopus) canonice legitimeque dissolvit,' hoc solo puncto dogmatico excepto, de dissolutione scil, matrimonii per adulterium" (Harduinus IX, col. 430). That the practice in the East had the tacit approbation of the Holy Father which Billot and others assert, DeSmet believes is difficult to conceive, especially when it is realised that this Oriental usage continued for a long time before it was brought to the knowledge of Rome (DeSmet, *De Confirmatione,* p. 330). Therefore DeSmet concludes that a simple priest *de se et vi ordinationis* was excluded only from the *licit administration* of this sacrament. The Church has since determined that valid administration is contingent upon proper delegation from the Holy See.

We do not think that the refutation of Lercher deprives this theory of all probability. There are difficulties but the theory commands a good amount of probability and it does attempt to explain some very ticklish historical cases. In addition the opinion will become more attractive if one is willing to accept the power over the sacraments such as DeSmet suggests. Lercher criticizes the theory on the ground that just as the Church cannot render null the act of consecrating bread and wine in the sacrament of the Eucharist if on the part of the priest correct matter and form are employed and likewise the proper intention is present, so the Church cannot render null the administration of the sacrament of confirmation if the simple priest has received that power to confirm *vi Ordinis proprii a Domino dati.* Father DeSmet would naturally deny that there is any parity here and would explain the two cases in the light of his understanding of the Church's power over the administration of the sacraments. Father Puig De La Bellacasa also argues

against this opinion on practically the same grounds (*De Sacramentis,* p. 190).

DELEGATION CONFERS POWER OF ORDERS

The *third opinion* which asserts that the delegation of the Holy Father confers a peculiar power of orders is rejected by Cappello on the grounds that the power of orders is conferred only by sacred ordination. Cappello would reduce any power of Orders *juris ecclesiastici* to a power of jurisdiction but he seems to imply that most proponents of this theory are speaking of a power of orders that is *juris divini.* Such a power can never be conferred by the mere delegation or commission of the Pontiff. Against this opinion we may also cite the words of Pope Benedict XIV: 'Delegare simplici presbytero potestatem exercendi ejusdem actum (i.e., confirmandi) potius ad jurisdictionem, quam ad ordinem pertinet" (*De Syn. Dioec.,* VII, c.8). Finally, Lercher offers his own objections which are associated in some way with his own theory that will be explained later. He argues that no one can obtain a delegated power from someone who completely lacks that power. He illustrates that principle by the example of a simple priest who may validly confirm from the delegation of an ecclesiastical superior who himself has not the power to confirm. He offers the case of a deacon who has been chosen as Pontiff. Before this deacon is ordained a priest, certainly he cannot administer confirmation himself but he can designate a simple priest to confirm validly. On the other hand a bishop who in virtue of his power of orders confirms validly, cannot communicate the power of confirming validly if there is no delegation from the Holy Father. (Lercher-Umberg, 1948, p. 203).

DELEGATION CONFERS JURISDICTION

The *fourth opinion* which holds that the delegation of the Pontiff gives to the priest a peculiar power of jurisdiction which together with the power of orders renders him an extraordinary minister of confirmation is rejected by both Cappello and Lercher. Cappello argues that this theory cannot allege in its favour an analogy with the administration of the sacrament of penance or matrimony. Lercher refutes this fourth opinion on the grounds that a priest does not confirm because of any delegated jurisdiction for the very simple reason that the administration of the sacrament of confirmation is *not* an act of

jurisdiction. We believe that most authors now hold that the delegation of the Pontiff confers a power of jurisdiction and nothing else. In fact this is the very conclusion Father McCarthy comes to when he examines the words of the recent Decree *Spiritus Sancti Munera.* This leads us to the opinion held by Suarez and many other authors who certainly will not agree that the complement of which they speak, which is required for the inchoative power of the priest to be exercised, is of necessity a power of jurisdiction.

OPINION OF SUAREZ

The *fifth opinion,* then, is that of Suarez. It maintains that a simple priest has a power that is *absolute, perfect, and independent* with regard to the administration of the sacraments of baptism and the Holy Eucharist. However, this power is *inchoative, imperfect, conditioned and dependent* upon the delegation of the Holy Father with regard to the administration of confirmation. In his thirty-sixth disputation on the sacraments Suarez explains how we should understand the power of a simple priest to confirm. That power is a *potentia remota vi suae ordinationis* belonging to the priest but it requires for its valid exercise the commission or delegation of the Pontiff. The sacerdotal character of itself does not suffice but it must be perfected and completed by the indult of the Pontiff. Suarez argues that since the character is not a physical potency, but a seal or an indelible mark that brings with it the qualities of a moral power or capacity, it can readily be understood how such a moral power might depend upon the delegation of a higher superior for its valid exercise (*De Sacramentis,* Tom. I, disp. 36, sect. 2). Bellarmine uses practically the same terminology when he says that the bishop has the *absolute, perfect* and *independent* power to administer confirmation but that the simple priest has that power only *inchoatively* and *imperfectly.* The priest has the sacerdotal character which is an *absolute, perfect* and *independent* power with regard to the sacraments of baptism and the Eucharist, but his power to confirm is *inchoative, imperfect* and *dependent* upon the will of a superior for its valid exercise. Therefore, unless this inchoative power is perfected by the delegation of the superior, the simple priest does nothing at all if he goes through the rite of administering confirmation. However, if that inchoative power is perfected, then he confirms

ex ipso suo charactere (Bellarmine, *De Sacramento Confirmationis,* cap. XII).

Thus we can easily see that the opinions of Suarez and Bellarmine are much the same. Just how popular is this opinion? We have examined every dogmatic theological manual and moral theology textbook that was available, and we have learned that the following hold in its principal outlines the Suarezian theory: Pesch, Otten, Sasse, Puig De La Bellacasa, Billuart, Cappello (according to Father McCarthy, but in the latest revision Cappello '*omnibus mature perpensis*' adopts the Billot opinion), Van Noort, Marc-Gestermann, Bozzola, Daffara, D'Ales, Lennerz, Merkelbach, Noldin-Schmitt, Vermeersch, Duane, Lehmkuhl, Genicot-Salsmans, Coronata, Piolanti and finally the Wirceburgenses.

This is an impressive list of proponents for any theory. It is true that in essentials all these authors would agree that the power of the simple priest to confirm is incomplete and imperfect if we consider his sacerdotal character. Pesch compares the episcopal and sacerdotal characters and concludes that the episcopal character is the total cause by which God *ex parte ministri* is moved to posit the effect of the sacrament; in the case of the simple priest the sacerdotal character together with the deputation is the total cause in such a way that these two partial causes are not *co-ordinate* but *subordinate* because the deputation presumes that the sacerdotal character is present and the character is the radical and principal element (Pesch, *De Sacramentis,* n. 555). This explanation at once presents us with a difficulty that is at the bottom of all the criticism of the Suarez opinion. It is the patent one of trying to conceive the power of administering confirmation as the operation of these two causes. We must remember that when we raise the question as to just what is conferred by the delegation of the Pope, we are told by the proponents of this theory that it is the complement to the incomplete and inchoative power of the simple priest, but that this complement is a certain *dignitas* which is neither a power of orders nor of jurisdiction. This is a strange power that is given by the delegation of the Pope, a power, or better a *dignitas* (this is the term most authors use), which is neither *potestas ordinis* nor *potestas jurisdictionis.* Lehmkulh makes this very clear when he says:

> "Ergo id quod presbyter recipit, ut possit confirmare, non est potestas jurisdictionis, sed est *dignitas,* quae ad eandem speciem

refertur ac potestas ordinis, *attamen potestas ordinis non recte vocatur,* quia non intrinsecus per ordinationem, sed extrinsecus per delegationem confertur. Id vero, quo fit, ut Summus Pontifex presbyterum ita elevare et aptum ministrum Confirmationis facere possit, utique potestas jurisdictionis est, qua supremam facultatem regendae Ecclesiae habet." Lehmkuhl, Vol. II, p. 71).

We must admit that such a *dignitas* which is reducible to a species of orders, but conferred extrinsically by the exercise of a power of jurisdiction is very much of an indeterminate concept for us. Father McCarthy also admits his inability to understand just what is meant by making perfect, absolute and independent an inchoate priestly power. In addition to this difficulty McCarthy maintains that after the priest's power is perfected and made absolute and independent by the apostolic concession, it would seem to follow that the priest might validly confirm everywhere. We know that this conclusion may not be accepted. Therefore, McCarthy holds that this process of perfecting can imply little more than the grant of a limited jurisdiction (McCarthy, I.E.R., Vol. 70, p. 349). Frequently the words of Benedict XIV (*De Syn. Dioec.* VII. c. 8) are quoted against the opinion of Suarez. We have seen those words already but it would be well to repeat them here: "Delegare simplici presbytero potestatem exercendi ejusdem actum (i.e., confirmandi) potius ad jurisdictionem, quam ad ordinem pertinet." McCarthy uses this quotation to show that jurisdiction is conferred by the Pope but it would not be especially telling against the Suarez position because the distinction would immediately be drawn between the exercise of jurisdiction on the part of the Holy Father and the precise *dignitas* which is not jurisdiction that is received by the simple priest. The proponents of the Suarez theory could use the parity from the law of fasting and abstinence; the dispensatory power of the priest is certainly the exercise of jurisdiction, but who would say that jurisdiction is communicated by such an exercise?

The principal difficulty, therefore, against the Suarez opinion is to conceive just what this *complement,* this *dignitas* is, which *completes, makes perfect* and *independent* the *inchoative, imperfect* and *dependent* power of the simple priest. We receive little clarification from the different authors. Otten says that by the deputation of the Pope the power of orders is *extrinsically amplified* and elevated and thus the simple priest becomes a valid minister of confirmation. Sasse speaks of the necessity of a simple priest to have *"an internal ontological*

charisma and an external delegation." Because of his character the bishop has a *dignitas* which is internal, perpetual, and indelible but the simple priest must receive a *dignitas* which perfects the internal *dignitas* which of itself is not sufficient to render him a minister of confirmation. This *internal dignitas* is extrinsically completed and elevated by the delegation of the Holy Father (Sasse, *De Sacramentis,* p. 288). Puig De La Bellacasa refers to the remote potency in the character of the priest for the administration of confirmation; it can only become a proximate potency by the delegation of the Pontiff. He denies that the Church has the power over the sacraments such as the opinion of DeSmet would postulate, and contends that the latter theory appears to be incongruous with several citations from Trent, especially canon 7: "Si quis dixerit, *episcopos non esse presbyteris superiores;* vel non habere potestatem confirmandi et ordinandi, vel eam, quam habent, *illis esse cum presbyteris communen . . . anathema sit*" (Denzinger D. 967). We have already seen that Cappello in an earlier edition of his work preferred this Suarez-Bellarmine opinion. McCarthy in the *Irish Ecclesiastical Record* remarked that Cappello "opts for the theory expounded by Bellarmine." However, in the latest revision of his *De Confirmatione,* we learn that Cappello has altered his opinion in favour of the Billot theory. Cappello says: "The sixth opinion, which partly agrees and partly disagrees with the second and the fifth, must be said to be *more probable* after consideration of all the aspects of the problem—*omnibus mature perpensis.*" The reason that he offers for his change of mind is that this opinion, unlike the opinion of DeSmet, avoids the difficulties that are raised from the early documents of the church.

Van Noort explains the Suarez theory by appealing to an extrinsic augmentation to the dignity of the simple priest produced by the delegation of the Holy Father. He agrees that this augment is neither a power of orders nor a power of jurisdiction (Van Noort, *De Sacramentis,* Vol. 1, p. 216). Bozzola refers to the opinion of Suarez as the *most probable,* but from his own words we may find a departure from the common way of referring to the complement of the inchoative power of the priest. Bozzola asserts that the power in the priest is a radical power to confirm but delegation is necessary. What is given to the priest by the delegation of the Holy Father?

Bozzola appears to say that jurisdiction is conferred by the act of the Pope. His own words are these: "Ideo habent quidem ratione sacerdotii potestatem aliquam *radicalem confirmandi,* quae tamen, ut ad actum reducatur, debet compleri aliqua delegatione a suprema actoritate quae *suppleat defectum debitae jurisdictionis*" (Bozzola, *De Sacramentis,* p. 111). Now it should be noted here that Bozzola would not agree with Sasse who says that the jurisdiction which the Pope exercises is *not* what the simple priest receives. Sasse's own words are: "Unde licet Romanus Pontifex . . . exerceat potestatem jurisdictionis, *non tamen id quod sacerdos accipit, ut valide confirmare possit, est potestas jurisdictionis*" (Sasse, p. 288). We consider this an important point of division among authors, even among those orthodox followers of the opinion of Suarez who hold an inchoative power in the priest to confer confirmation. Daffara (*De Sacramentis,* p. 242) also insists upon the same point as Sasse, i.e., although the Holy Father exercises an act of jurisdiction, it is not jurisdiction which the priest receives in order to be constituted the extraordinary minister of the sacrament. Daffara explains what the priest does receive as an extrinsic deputation; it is not something intrinsic, it does not pertain to the power of jurisdiction nor is jurisdiction demanded by this sacrament in the same way as in the case of penance which is a judicial act; by the delegation of the Pontiff the priestly power of orders is extrinsically amplified and elevated with the result that in "dignity and efficacy it is equal to the dignity of the bishop." The opinion of D'Ales, according to Cappello, resembles that of Suarez; according to McCarthy, arguing from the same words, D'Ales can be shown to favour the Billot theory. Lennerz appears to favour the Suarez opinion and shows how, in accordance with this theory, it may be said that a simple priest in virtue of his ordination has no power to confirm, and yet, on the other hand, how the power to confirm may be communicated to no one but a priest (Lennerz, *De Confirmatione*). Merkelbach, Noldin-Schmitt, Vermeersch and Duane all explain the Suarez opinion in the traditional way; Lehmkuhl develops the Suarez opinion out of a consideration of the *ratio theologica* argument for the administration of this sacrament by a simple priest. Genicot-Salsmans and Coronata refer to the incomplete power that must be complemented. Piolanti speaks of this complement as negative rather than positive in a way similar to the

explanation of Dolger. However, as far as we can determine, Dolger does not refer to an inchoative power of the priest.

We have seen sufficiently the broad outlines of the Suarez opinion and the shades of difference within the theory. We have seen the general criticism made against it. We might refer finally to the refutation of Lercher who also admits his difficulty in conceiving a power to confirm as composed partly of an internal consecration and an external deputation. Lercher holds that we should rather look upon the power to confirm as an indivisible moral power which is either completely present or completely absent. Just as the baptismal character which is a necessary prerequisite for receiving the diaconate, is not an *inchoatio diaconatus* but a *dispositio praevia* by which a man becomes an apt subject for the diaconate, so the priestly consecration is not an inchoative power to confirm, but a *dispositio praevia* by which a priest becomes capable of receiving the power of confirming either by consecration or by the designation of the Holy Father. We shall consider this theory of Lercher and Straub after a brief discussion of the sixth opinion in our division which is that of Cardinal Billot.

OPINION OF BILLOT

This *sixth opinion* is considered by Cappello to be the more probable theory—more probable than the Suarez opinion which he has discarded. On examination it will be seen partly to agree and partly to disagree with the second opinion (that of DeSmet) and the fifth opinion (that of Suarez and Bellarmine). This theory contends that the simple priest has the full and perfect power to confirm but the power is always conditioned and dependent upon the will of the legitimate superior for its valid exercise. In support of this theory we have found the following authors: Billot (*De Ecclesiae Sacramentis,* p. 308-309), Lepicier (*De Baptismo et Confirmatione,* p. 410), D'Ales, Diekamp, McCarthy (*Irish Ecclesiastical Record,* Vol. 70, p. 349), Canon Smith (*The Sacrament of Confirmation,* Vol. II. p. 833), Canon George (*Summer School of Catholic Studies,* 1929), Cappello (Vol. I, n. 204). From the number of proponents whom we could find for this Billot opinion, we are inclined to reserve judgment that this sixth explanation is the more common one as Hervé maintains.

Billot argues for this opinion on the grounds that since the delegation of the Holy Father is necessary for the valid

administration of this sacrament by the extraordinary minister, the priestly character is not an absolute power to confirm but a conditional one. It might be well in this connection, since Canon George speaks of the character of the priest in the same way as Billot, to point out a fundamental difference between these two authors and the position of Lercher. The latter maintains that the power of orders is the moral power of positing an act that produces grace *ex opere operato;* therefore it does not consist partly in an internal physical character, nor does its essence postulate that it be associated with some definite character. Here are Lercher's own words: "Potestas Ordinis *ex toto* est facultas moralis nomine Christi ponendi ritum ex opere operato sanctificantem; *idcirco non consistit ex parte in charactere physico interno, neque ejus essentia postulat, ut conjuncta sit cum certo aliquo charactere*" (Lercher-Umberg, Vol. IV, pars altera, p. 273). Therefore Billot places the full power, although conditioned, in the presence of the sacerdotal character; Lercher places the power to confirm in the communication of that moral power by God because of an exigency placed by the act of delegation of the Holy Father. Among the defenders of Billot opinion Diekamp refers to the power of the priest to confirm as ligated and conditioned upon the indult of the Pope. McCarthy explains that the priest who confers confirmation acts in virtue of a twofold power, a power of orders and a power of jurisdiction. "When the Holy See empowers a priest to confirm, it removes, within prescribed limits, that restriction (the restriction placed upon the simple priests to confirm validly). The limited removal of the restriction can most satisfactorily be understood asa grant of jurisdiction in relation to certain defined classes of confirmands" (McCarthy, I.E.R., Vol. 70, p. 349). McCarthy examines a few passages from the Decree of 1946 *Spiritus Sancti Munera* and comes to the conclusion that the language used in these passages suggests that the power to confirm, given to the priest by indult, is at the least, very closely analogous to a power of jurisdiction which, however, presupposes the requisite power of orders, namely, that of the priesthood. Thus a deacon could not be delegated to confirm.

OTHER OPINIONS

We would like to allude to two other opinions which are not too simple to classify. In the first place, there is the theory of Lercher and Straub, which we have seen in its broadest

outlines. They contend that the delegation from the Pontiff confers a *right* which is *exigitive* of the necessary power to confirm. The sacerdotal character is only a *dispositio praevia,* the very power itself to confirm comes directly from God. The example cited by both Lercher and Straub of the inability of a Pope who is a mere deacon communicating the power to confirm is rejected by Puig De La Bellacasa who appeals to the *dignitas* of the Suarez-Bellarmine theory which is neither a power of orders nor of jurisdiction and which can easily be communicated by such a Pope. We sincerely believe that this is no answer against the Lercher-Straub opinion at all. Regardless of what this perfecting power of Suarez is called, whether it is called a *dignitas* or anything else, it is difficult to see how an inchoate power of orders is perfected by anything else than a complement of orders, and this simply cannot be communicated by a Pontiff who is merely a deacon. Perhaps Lercher and Straub (Straub, *De Ecclesia Christi,* Vol. II, p. 55, n. 688) are wrong in proposing that the priesthood is only a *dispositio praevia,* but we must admit that it is much more plausible than the concept of an imperfect power of orders that is rendered perfect and complete by the exercise of an act of jurisdiction which confers a *dignitas,* that is neither a power of orders nor a power of jurisdiction.

We would like to mention finally the opinion of Father Connell who believes that the power of a simple priest to confirm is better and more satisfactorily explained by an appeal to the Vasquez theory that the episcopal character is a mere extrinsic extension of the sacerdotal character. The best application of the Vasquez theory is precisely here, according to Connell, where one faces the difficulty of explaining the deputation of a simple priest to confirm (Connell, *De Sacramentis,* Vol. 1, p. 162, n. 150; *American Ecclesiastical Review,* Vol. 72, p. 342). Connell asks the question: "If the episcopal power essentially consists in a new sacramental order or an intrinsic extension of the priestly, how can such power, even in a limited degree, be acquired by a deputation, which certainly produces no intrinsic alteration of the character?" He questions the reality of the *dignitas* which is neither a power of orders nor a power of jurisdiction when he considers the general principle that all power in the church is reducible to one of these two species.

We believe that this explanation has much in its favour, but just as the DeSmet opinion is constructed on a postulate that must first be accepted (the power of the church over the sacraments such as DeSmet demands), so this opinion of Connell is founded on the postulate that the episcopacy is not a distinct character but an external extension of the sacerdotal character.

CONCLUSION

An examination of many authors leads to the opinion that the *communis* note belongs rather to the Suarezian-Bellarmine opinion as Noldin and Bellacasa assert, than to the Billot opinion, as Hervé declares.

It is impossible in an article of this length to consider all the ramifications of these different opinions. What is the real significance behind the different words that the authors use—*indultum, commissio, concessio, deputatio, dispensatio, permissio, delegatio, designatio*? It remains an open question in the light of all these opinions to speculate on the foundation of power in the priest, and the nature of the communication of the Holy Father. It is simple to say that the *commissio* on the part of the Pope is an exercise of jurisdiction, but what proceeds from this act of jurisdiction and is received by the priest is the *real* question to be answered. Sasse, as we saw, insisted on this distinction when considering the *commissio.*

We have seen that the DeSmet opinion depends considerably upon an acceptance of the theory that the church has a power over the substance of the sacrament of confirmation. Likewise we have understood that the opinion of Connell depends upon the Vasquez conception of the episcopacy as a mere external extension of the sacerdotal character. We cannot conceive of the *dignitas* of Suarez in any other way than as a participating in the nature either of orders or of jurisdiction. Between the opinion of Lercher-Straub who would make of the priesthood a mere *dispositio praevia,* and that of Billot who would give all power to confirm to the simple priest but only demand that it be understood as conditional and dependent, our hearts are with the Cardinal but our heads are with the Innsbruck professors.

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Moral Theology

MASS WITHOUT AN ALTAR STONE

Dear Rev. Sir,

Could Mass ever be celebrated without an altar stone? I have in mind the not impossible case of a priest who may discover, after a journey of a hundred miles or more, that he has forgotten to bring the altar stone with him, although he has all the other requisites for Mass.

Occidentalis.

REPLY

An altar stone is not necessary for the validity of the Sacrifice: the matter (bread and wine), the form (the words of consecration) and the minister (an ordained priest with the intention of doing what the Church does) are sufficient to secure that the Mass is valid. Nevertheless, outside a case of extreme necessity, it would be gravely unlawful to celebrate Mass except on an altar, i.e., at least an altar stone, or what may sometimes be substituted for it by concession of the Holy See.

Can. 822, par. 1 of the Code of Canon Law states that Mass must be celebrated on a consecrated altar and in a church or oratory which has been consecrated or blessed, or in a domestic oratory with the necessary permissions. The place for Mass is thus determined in a double respect: it must be on an altar, and the altar must be in a church or oratory, etc.

With regard to the second and more general determination, there are many exceptions provided for even in the law itself. Thus, the Ordinary may permit Mass elsewhere for a just and reasonable cause, in an extraordinary case, and *per modum actus.* (Can. 822 §4) The privilege of a portable altar is granted by law to Cardinals (Can. 239 §1, 7) and Bishops (Can. 349 n. 1), and to others it is not infrequently given as a favour by the Holy See. Ordinaries in Missionary countries have a general indult to grant it to their priests in case of need.[1] The privilege of a portable altar is always to be understood with certain restrictions, among which is included the celebration of Mass only on a consecrated stone (Can. 822 §3). There is no mention in the law of circumstances in which Mass may be lawfully celebrated without an altar; and while a priest may offer Mass on an altar

[1]Formula maior. n.4.

consecrated for another rite, a latin priest is forbidden to make use of the *antimensia* of the Greeks. A latin priest is not authorised by the Code to celebrate unless on a stone altar, which term includes besides a fixed altar, consisting of a table and its support, consecrated *per modum unius,* also a sacred stone which may be moved from one place to another. The essential part of a wooden altar is the stone on which the host and at least the greater part of the chalice rest from the offertory to the communion. The same remark applies to any altar, even one made of marble or other stone, unless it has been consecrated.

Some concessions *praeter legem* have been made for Missionary countries, where the desecration of the altar stone by breakage, or the loss of the relics included in it at its consecration may prevent a priest from saying Mass for a considerable time, till he is able to procure another stone. In the Formulae granted to Ordinaries under the S. Congregation of Propaganda is found the faculty to permit the celebration of Mass, even if the altar is broken or without the relics of the Saints. A large break in the stone or the removal of the relics normally causes its desecration. (Can. 1200 §2, nn. 1 and 2.) A desecrated altar cannot be considered an altar except by a legal fiction, and so the concession to celebrate Mass on a stone which has been so damaged is not unlike a dispensation to celebrate without an altar stone, although a lawful substitute is required, namely the altar which is broken or now without the relics of the Saints. Further, the S. Congregation of Propaganda will grant to Ordinaries who request it the faculty to permit their priests to use what may be termed the latin *antimensium,* instead of an altar stone, under certain conditions. This is a cloth of linen or hemp about the size of a corporal, with a small linen pocket sewn at the right-hand corner, in which are enclosed relics of the Saints authenticated by a Bishop. The cloth is to be blessed by the Bishop, according to the formula provided. Its use is restricted to occasions where there is no church or oratory, and the difficulties of travel would make it very inconvenient to carry an altar stone or have one available. This is another instance of a substitute for an altar stone, authorised by the Church. The Holy See does not usually grant permission for Mass without an altar of some kind, which normally should contain the relics of the Saints; yet there have

been concessions for the extraordinary conditions in places where persecution makes the usual regulations impossible. Among the faculties granted to the Ordinaries of Mexico in 1927 was permission to allow Mass in cases of extraordinary need to consecrate the Sacred Species for the Communion of the sick and dying, using as vestments only a stole and surplice, if they could easily be had, and blessed linen cloths, which were not afterwards to be put to profane uses, in place of the altar.[2] . . . There is reason to believe that similar concessions were given more recently to other countries under persecution. The purpose of such concessions would be to provide the faithful with the means of grace in circumstances where they needed them to persevere in the midst of great dangers to the faith. The law requiring an altar stone is of ecclesiastical origin, based on the reverence due to the Holy Sacrifice. It would seem contrary to the mind of the Church to deprive the people of Mass and the Sacrament of the Eucharist for a considerable time, because of a prescription which had become impossible and was likely to remain so for an indefinite period.

In the case of a priest who has made a long journey to celebrate Mass for people who have only rare opportunities to assist at the Holy Sacrifice and receive Communion, there is some weight in an opinion which would permit him to celebrate on the blessed altar cloths, without the altar stone or an *antimensium.* An additional and more cogent reason excusing from the use of an altar stone may be the fear of scandal if the priest abstained from saying Mass after having come so far for the express purpose of doing so.

DISPENSATION FROM OFFICE WHEN BINATING

Dear Rev. Sir,

1. Priests in Australia enjoy the privilege of omitting Matins and Lauds when they celebrate two Masses in different churches on Sundays. Could this privilege be extended to Holy Days of obligation?

2. Is there any further faculty available to priests who celebrate three Masses on Sundays or binate on week days?

3. The Ordo for the feast of St. Matthias divides the eighth lesson into two at the words *Et fabrica.* Why divide the lesson when a ninth lesson of the same homily is contained in the

[2]Coronata, *Interpretationes*, can. 818, 7 (p. 130). Cappello, *De Sacramentis.* Vol. I. n. 714.

Breviary under the Common of an Abbot, in the second place?

Sotto il monte.

REPLY

"By virtue of a Rescript of 31st January, 1947, the S. Congregation of Propaganda granted faculties to a priest in Australia who celebrates on Festive Days in two distinct churches (even of the same town) to omit Matins and Lauds on these days, and leaves intact the previously given faculty of reciting the Rosary *loco Officii* on certain occasions." Thus it is stated in the Australasian Catholic Directory of 1890 under the heading "Summary of Documents relating to the Church in Australasia" (VI).

The senior members of the clergy will recall the controversy on the existence of this privilege, which caused much discussion in the earlier decades of the century. At the request of His Excellency, the Most Rev. Dr. Cattaneo, who was the Apostolic Delegate at the time, a repeated search was made in the archives of Propaganda for the record of the Rescript,[3] as the original was not to be found here in Australia. Perhaps it had perished in the fire of old St. Mary's Cathedral in 1865. A letter from His Eminence Cardinal Van Rossum, Prefect of the S. Congregation of Propaganda, dated 29th November, 1924 informed His Excellency the Apostolic Delegate that the Rescript in question had been discovered and that a copy of it was being forwarded. The letter concludes: "The Holy Father (Pius XI) to whom I had the honour of referring the matter in the Audience of 20th inst. graciously consented to recognise the Rescript in question and commanded me so to inform Your Excellency."

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[3]Beatissime Pater.

Ioannes Beda Polding, Archiepiscopus Sydneyensis, ad pedes Sanctitatis Tuae provolutus devote exponit quod Missionarii Australiensium Dioecesium labore et ieiunio fessi iis diebus in quibus duas Missas in diversis locis vel etiam in diversis Ecclesiis eiusdem oppidi debeant celebrare officium aegre possint recitare, quodque anxietas orta iam fuerit super modo intelligendi facultatem alias concessam commutandi illud in Rosarium.

Hinc enixe rogat ut Sanctitas Tua benigne dignetur Missionarios in Provincia Australiensi tam existentes quam futuros eximere atque absolvere ab obligatione recitandi Matutinum cum Laudibus singulis diebus festivis in quibus Missam bis in diversis Ecclesiis celebraverint, sine praeiudicio tamen praefatae facultatis commutandi Officium in casibus in Rescripto quo concessa fuit permissio. Quare, etc.

Ex Audientia die 31 Ianuarii 1847 Ssmus, referente Secretario, perpensis expositis, benigne remisit preces prudenti arbitrio R.D.P. Archiepiscopi oratoris cum omnibus et singulis facultatibus necessariis et opportunis. Contrariis etc. Datum etc.

The following is a translation of the Rescript, the original being given in a footnote:

Most Holy Father,

John Bede Polding, Archbishop of Sydney, prostrate at the feet of Your Holiness, humbly sets forth that the Missionaries of the Dioceses of Australia, because of weariness from labour and the fasting on days on which they have to celebrate two Masses in different places, or even in different churches of the same town, can recite the Office only with difficulty, and that anxiety has arisen as to the understanding of the faculty already granted of commuting the Office to the Rosary.

Wherefore, he earnestly begs that Your Holiness graciously deign to exempt and absolve the Missionaries both present and future in the Province of Australia from the obligation of reciting Matins and Lauds on all feast days when they celebrate two Masses in different churches, without prejudice, however, to the aforesaid faculty of commuting the Office, in the cases referred to in the Rescript by which the permission was granted. . . .

In the Audience granted on 31st January, 1847, His Holiness, when the matter was referred to Him by the Secretary, having considered what was set forth, graciously referred the petition back to the Most Rev. Archbishop, with all necessary and needful faculties."

In the July number of the A.C.R., 1925, the letter to the Apostolic Delegate and the copy of the Rescript of Pope Pius IX were published, and there was added a note: "The above documents having been placed before the Hierarchy assembled at Wagga Wagga on 21st of last March (1925), the Archbishops and Bishops of Australia decided to grant the dispensation in the terms of the Rescript to the clergy of their respective Dioceses."

The faculty was given for days on which the faithful were bound to assist at Mass—*pro diebus festivis,* and this includes both Sundays and Holy Days of obligation.

2. There is no general concession available to the Australian clergy as a whole with regard to the divine Office on Sundays when they may say three Masses, or on week days if they binate. When Archbishop Polding applied for the dispensation which has just been discussed, there was no question of saying three Masses on the same day, except on the feast of Christmas, while bination on a week day was something not thought of even

a few years ago. Week days are not *dies festivi,* and so the century-old concession can scarcely be extended to include them. The local Ordinaries enjoy the faculty from the Holy See: "To grant to their missionaries the permission to recite the whole Rosary or other prayers instead of the divine Offce, for a legitimate and grave reason, according to the conscientious judgment of the Ordinary."[4] There seems no reason why Vespers and Compline, for example, could not be substituted at the discretion of the Ordinary as the "other prayers" which he may allow instead of the whole Office on Sundays; or from Prime to Compline on other occasions. What prayers are to be recited in place of the Office is a matter to be determined by the superior who grants the commutation.

A commutation or dispensation from the Office requires the intervention of the legitimate superior; and a priest may not of his own responsibility dispense himself from whole or part of the Office. If it becomes impossible for him to recite the Breviary, because of extreme weariness or some unexpected circumstances, he is excused on the principle: *ad impossibile nemo tenetur.* The reason for seeking a dispensation is not so serious as would of itself excuse from the obligation of the Office. It must be grave, i.e., something more than a little difficult, and legitimate or reasonable according to the mind of the legislator. Fatiguing work of the ministry would be a legitmate reason. The sufficiency of the reason is to be judged by the Ordinary, who may dispense even if he doubts whether it is serious enough (Can. 84 §2). A priest who has placed the case before the Ordinary and has consequently been dispensed from the whole or part of the Office, may act on the dispensation with a clear conscience.

3. This part of the query is rather of a liturgical character, but it may be conveniently included here. In the Proprium Sanctorum of the Pars Verna of the Breviary, the Homily of S. Augustine on the Gospel *Confiteor tibi, pater,* goes through only two lessons, as the last lesson was formerly the Homily of the Gospel of the lenten feria. The Commune Sanctorum contains the same homily of St. Augustine under the Common of an Abbot, and has the three lessons for the third nocturn. Seemingly, the compiler of the Ordo, when faced with the difficulty of finding

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[4]Formula maior . n. 45. Concedendi suis missionariis ut ob legitimam gravemque rationem, de qua Ordinarii conscientia oneratur, loco Divini Officii, Rosarium integrum aut alias preces recitare possint.

a ninth lesson for the feast of St. Matthias, thought it would be easier to divide the eighth lesson in the Proprium than send the clergy to the Commune Abbatum for the lessons of the third nocturn. Perhaps it would have been more correct to follow the second course.

FUNERAL SERVICE FOR NON-CATHOLIC

Dear Rev. Sir,

1. A non-catholic man in my parish was married to a good catholic. He was always friendly, well disposed towards the Church, and attended catholic social functions, but never expressed any wish to become a catholic. Could the catholic burial service have been read over such a man after his death?

2. Must the ashes to be blessed on Ash Wednesday be obtained by the burning of palms used on the previous Palm Sunday, or may the ashes be made from some other small branches which were never blessed?

Ignorans.

REPLY

1. Even a well disposed non-catholic may not be given ecclesiastical burial, unless he had some way manifested his desire to join the true Church and was prevented from doing so before death overtook him, through no fault of his own.

The non-catholic husband falls under one of two heads: either he is baptised in some heretical organisation or he was never baptised. If he were never baptised, he is in no sense a member of the Church; and is excluded from ecclesiastical burial by the provision of can. 1239, par 1: "Those who die without baptism are not to be admitted to ecclesiastical burial." The second paragraph of the same canon states that catechumens who die without baptism, which they did not actually receive because of no culpable neglect on their part, are to be treated as if they were baptised, and so are to be given ecclesiastical burial. A catechumen is one who is a candidate for baptism, and the status implies that he has at least expressed his intention of receiving the Sacrament of regeneration. A non-baptised person, no matter how friendly be his relations with the faithful and the pastors of the Church in social or civic affairs, has not made any move towards entering the Church as a member of it. He cannot be forthwith described as a catechumen and has no claim to ecclesiastical burial.

A member of a non-catholic sect is presumably validly baptised. By baptism he was affiliated with a certain religious organisation as its member. In adult age he did nothing to repudiate this affiliation, even though he may not have been in the habit of attending religious functions or public worship of any kind. He does not express a desire to become a catholic by not practising the religion of his baptism any more than a catholic desires to become a protestant merely by abstaining from Sunday Mass, the reception of the Sacraments at Easter, etc. A bad catholic is not necessarily a protestant; so a non-practising protestant is not forthwith an intending catholic. It is certain that the man in question was publicly known to be a protestant of some denomination; he is notoriously enrolled as a member of a non-catholic sect, and as such is deprived of ecclesiastical burial. (Can. 1240 §1, n. 1.)

Apart from any positive legislation of the Church it would not seem correct to read catholic prayers and perform catholic rites over the remains of a man, who in life made no request for the ministrations of the Church. Seeing that he died outside the membership of the Catholic Church, is it not a fair inference that he wished his remains to be laid to rest according to the ritual of the sect of which he was always a member?

2. The question about the ashes for Ash Wednesday is rather a liturgical one. A tentative opinion is all that can be given. The rubrics of the Missal for Ash Wednesday direct that before Mass the ashes are blessed, which have been made from the palms or branches of olive or other trees from the previous Palm Sunday. If such palms, etc., are not available, there seems no alternative but to burn the branches of palm or other tree not previously blessed and so procure the ashes. In any case, the palms from the previous year would have lost their blessing when reduced to ashes by the action of fire.

MASS STIPENDS. *CAUTIONES* FOR A MIXED MARRIAGE.

Dear Rev. Sir,

1. What obligations has a priest who comes to a parish and finds that some priest before him had supposedly told the people that the stipend for a Mass should be ten shillings, if they can afford it? Does the new priest fulfil his contract if he says one Mass for a ten shilling offering, if the donor simply asks for one Mass.

2. Father Peter, when filling the application form for a mixed marriage, explains the obligations of both parties in such a way as may lead them to a vague knowledge of what they are bound to do—because the non-catholic says he is to take instructions and become a catholic (which he later did). When the dispensation arrived, Father Peter found that the guarantees should be signed by both parties before the marriage. Having little time to have the promises signed before the wedding, the priest had the parties to sign them afterwards. Was this marriage valid or invalid?

Anxious.

REPLY.

1. It is the office of the local Ordinary to determine by a decree, issued at the Diocesan Synod if possible, the amount of the stipend for a manual Mass. A priest may not lawfully demand a higher stipend (Can. 831). If the stipend is fixed at five shillings by the local Ordinary or custom, it is difficult to accept in its literal sense the alleged statement of a priest that the faithful should offer ten shillings, when they can afford to do so. The word *should* usually implies an obligation; though it is sometimes used in the loose meaning of what is *fitting*. However, let us suppose that the faithful are some way under the impression that the stipend for a Mass is ten shillings, whereas it is really only five shillings. When they offer a larger amount and request a Mass for their intentions, are they acting through error? It is possible that some of them are, though many may freely give more than five shillings when asking for a Mass. In a particular case, the priest who does not know the usual practice of individual parishioners may well be in an uncertain mind. Those who would otherwise be satisfied to make an offering of five shillings do in fact give more, and the excess of the diocesan stipend, given under a false impression, is not a free and spontaneous offering. The priest is to celebrate and apply as many Masses as there are diocesan stipends in the amount he receives, unless he can reasonably conclude that the donor meant to be generous. A reasonable conclusion requires some evidence on which it is based, otherwise it is not a conclusion at all, but a gratuitous assumption. A priest in doubt as to whether the stipend of ten shillings for one Mass is given with knowledge and consent as something more than what may be demanded, should solve the doubt by asking the donor

how many Masses he desires to be said, or by offering to celebrate two Masses and leaving it to the donor to agree or express clearly that he means the offering to be for one Mass only.

2. The validity of the marriage cannot be called into question, if the impediment were mixed religion, which is not a diriment impediment. Mixed religion forbids a marriage between a catholic and one who is baptised, but a member of an heretical or schismatical sect (Can. 1060). If the non-catholic party were commonly thought to be baptised, or his (or her) baptism were doubtful, the marriage is to be considered as valid until it is proved beyond all doubt that one of the parties was baptised and the other not baptised (Can. 1070, §2). Whatever about the validity of the dispensation, the marriage stands until it is established with certainty that the impediment was disparity of worship—a diriment impediment—from which a dispensation was not obtained. If the non-catholic party to this marriage were even probably baptised, the absence of a dispensation would not affect its validity.

In the hypothesis that the impediment was disparity of worship, a dispensation was necessary before the marriage could be validly contracted. The dispensation would not be given without the *cautiones* (Can. 1071); and the Holy Office has declared that the *cautiones* must be obtained under pain of invalidity of the dispensation (and consequently of the marriage).[5] Though the *cautiones* should as a rule be given in writing (Can. 1061 §2), this is not necessary for validity. Further, it is sufficient that the *cautiones* be given at least implicitly, that is in such a manner that it can be legitimately proved from their actions that parties knew of the obligation of fulfilling the conditions and had the firm intention of satisfying this obligation.[6]

In the case proposed, it seems that the promises were not put in writing till after the marriage had been solemnised.

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[5]14th Jan. 1932. A.A.S. 20.61.

[6]A.A.S. 33,294-295. Etsi S. Sedes e praxi immemoriali exigerit, et nunc stricte exigat ut conditionibus adimplendis in quibuslibet matrimoniis mixtis cautum sit per formalem promissionem ab utraque parte explicite requisitam et praestitam (cc. 1061, 1071) tamen usus facultatis dispensandi, sive ordinariae sive delegatae, invalidus dici nequit si utraque pars saltem implicite cautiones praestiterit, idest, eos actus posuerit e quibus concludendum sit et in foro externo constare possit eam cognoscere obligationem adimplendi conditiones et manifestasse firmum propositum illi obligationi satisfaciendi.

Nevertheless, the parties knew of their obligations and were prepared to fulfil them. This would appear from the fact that the non-catholic husband had expressed his desire to take instructions and enter the Church—which he subsequently did. A decree of the Holy Office sent to the Ordinaries of China (5th April, 1918) allowed that when the *cautiones* could not be obtained in writing, it was sufficient that they be made by word of mouth; and if even verbal promises were unobtainable, it was left to the conscience and prudent judgment of the Ordinaries to decide that in particular cases they could be given equivalently by the fact of enrolment among the catechumens, etc.[7] Having in view merely the general law of the Church, there seems little doubt that the marriage in question was valid, entered into with a dispensation from the impediment of mixed religion and *ad cautelam* disparity of worship. A difficulty, however, arises from the wording of the dispensation formula in common use, to be found in Appendix III. R. of the Decrees of the IV Plenary Council. The formula contains the words: *dummodo praevias cautiones in scriptis praestiterint,* from which it would seem that the Ordinary, when using his Faculty to dispense lays down that the *cautiones* must be in writing as a necessary condition for the dispensation. Such is the usual meaning of a clause introduced by the word *dummodo* (Can. 40). It does not seem unreasonable to interpret the phrase of the dispensation formula as demanding that the *cautiones* be certainly given according to the general law of the Church—and this for validity—and that the manner of their presentation and acceptance be usually in writing—and this for lawfulness. It is unlikely that the Ordinary would desire to expose a marriage to the danger of invalidity for lack of the observance of a regulation which was not imposed by the Code. His intention would rather be to secure the validity of the marriage contract, and this is what he sets out to do when he grants the dispensation. In the absence of a definite statement that the signing of the *cautiones* was necessary for the validity of the dispensation, it may be concluded that the dispensation, and by consequence the marriage, was valid as long as the usual promises were at least implicitly made, and this fact could be proved in the external forum. If Father Peter does not feel satisfied with this conclusion, he may apply to the Ordinary for a conditional *Sanatio in radice.*

JAMES MADDEN.

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[7]Coronata *Interpretationes.* can. 1061. I.

Canon Law

OBLIGATION TO NOTIFY OFFENDER OF PENALTY OF LEGAL INFAMY—OBLIGATION OF OFFENDER TO SEEK DISPENSATION FROM PENALTY OF LEGAL INFAMY.

Dear Rev. Sir,

Is there necessarily an obligation on a person who has incurred a vindicative penalty to seek a dispensation from that penalty? It seems to me that there is not, as laws were made to be observed not to be dispensed from, and the legislator's wishes are carried out by the observance of the penalty.

A practical case is that of a person who has committed bigamy or is a party to a bigamous union and has thereby incurred legal infamy (infamia iuris). A glance through the consequences of such a penalty shows that its observance involves little or no inconvenience for the ordinary person, the only 'practical' element in the penalty being exclusion from acting as sponsor at Baptism and Confirmation, and even this exclusion does not always hold. Hence an answer would be appreciated to the following questions:

(1) Has a confessor or a parish priest any obligation to notify an offender that he has incurred the vindicative penalty of legal infamy?

(2) Has an offender any obligation to seek a dispensation from that penalty and thus recover his full legal status as a member of the Church?

PERPLEXUS.

REPLY

Before proceeding to the actual answers—as we see them—to the questions of our correspondent, it will be necessary to make some preliminary distinctions and explanations. These introductory notions, as will be seen, will prepare the way for our answers and will receive a very practical application in those answers.

1. In the first place, it will be necessary to recall the distinction between the two general classes of penalties acknowledged in canon law, namely, medicinal and vindicative penalties. It is true that the queries of our correspondent are concerned only with a particular vindicative penalty; but it is by contrast with

the notion of a medicinal penalty that the nature of a vindicative penalty will be better understood, while such an explanation and contrast will necessarily shed light on the obligations concerning the requesting and granting of the remission of these penalties. This is directly related to our correspondent's queries.

Canon 2215 makes it very clear that the purpose of ecclesiastical penalties is twofold: the correction of the delinquent and the punishment of the crime. According as the first or second purpose is primarily intended, there are medicinal and vindicative penalties. Medicinal penalties—or censures as they are called—are those ecclesiastical penalties which have as their primary objective the correction of the delinquent. Vindicative penalties, on the other hand, are those ecclesiastical penalties which have as their primary objective the expiation of the crime, and aim, therefore, at repairing and re-establishing the order of ecclesiastical discipline which has been disturbed by the crime that has been committed. It is clear, of course, that even medicinal penalties may atone for the violation of ecclesiastical order and discipline, just as it is also apparent that vindicative penalties may also secure the emendation of the delinquent. But these remain only secondary purposes for these two classes of penalties; and it remains true that the medicinal penalty—as the name itself implies—seeks primarily to reform the offender, while the vindicative penalty—as the name itself implies—seeks primarily to inflict a punishment and thus repair a violation of ecclesiastical order.

We have already remarked that this explanation of the nature of medicinal and vindicative penalties also has a close relation to the method of their remission and cessation; and this latter point is also of consequence in answering the proposed queries. The manner of cessation of these ecclesiastical penalties is essentially connected with their primary purpose. Since medicinal penalties are inflicted primarily for the correction of the delinquent they pre-suppose the existence of contumacy on his part; they are inflicted, therefore, by ecclesiastical authority for the primary purpose of overcoming such contumacy on the part of the offender and thus securing his emendation. It follows, therefore, that as soon as the offender has amended and receded from his contumacy the purpose of the medicinal penalty has been achieved; the penalty, therefore, ought to be removed. In other words, it follows from the very nature and purpose of such penalties that the delinquent has a right to

the removal of the penalty as soon as he has renounced his contumacy. A medicinal penalty or censure is removed by way of absolution (cfr. canon 2248, §1); and absolution here means an act of justice by which the lawful superior removes the medicinal penalty from a delinquent who himself has ceased to be contumacious. The superior, therefore, is bound to remove the censure as soon as the contumacy has ceased; and hence the legislator, when defining a censure in the Code, uses these words: "A censure is a penalty by which a person . . . until, having desisted from contumacy, he is absolved" (Canon 2241, §1). This also explains why medicinal penalties are not inflicted for a definite time; their duration is dependent on the existence of contumacy.

Where vindicative penalties are concerned, however, the position is different. These penalties, having as their primary purpose the punishment of crime and the restoration of violated order, are not dependent for their imposition and duration on the presence or subsequent cessation of contumacy on the part of the offender. Hence, vindicative penalties may be imposed for a definite time, or for an indefinite period, or even perpetually; but in any case the idea certainly is that they cease only on the expiration of the time for which they were imposed or when the superior judges that the violated order has been sufficiently restored and grants a dispensation. Consequently, where the remission of a medicinal penalty is effected by the judicial act of absolution, the remission of a vindicative penalty may be effected by means of a dispensation, which is an act, not of judicial jurisdiction, but of voluntary jurisdiction. This signifies that, whereas the absolution from a medicinal penalty is an act of justice and cannot be refused if contumacy has ceased, the dispensation from a vindicative penalty is a favour and may be denied even if contumacy has ceased, since the offender has no right to what is only a favour.

2. In the second place, it will be necessary to recall the distinction between penalties *latae sententiae* and *ferendae sententiae*. Penalties *latae sententiae* are those penalties which are so attached to the law or precept that they are incurred automatically on the commission of the particular crime. Penalties *ferendae sententiae* are penalties which are not incurred automatically but need to be imposed by a judge or superior (cfr. canon 2217).

3. In the third place, it will be necessary to make certain distinctions between various kinds of ignorance and the effects of these different classifications of ignorance in relation to the incurrence of penalties. The general principle which regulates the relations between ignorance and the incurrence of penalties is set down in the law by the legislator. Canon 2229 states: "§1. Affected ignorance (ignorance affectata), whether of the law or only of the penalty, does not excuse from penalties *latae sententiae,* even though the law contains the expressions mentioned in §2 : §2. If the law contains the expressions: praesumpserit, ausus fuerit, scienter, studiose, temerarie, consulto egerit or other similar expressions which require full knowledge and deliberation, any diminution of imputability, whether on the part of the intellect or the will, excuses from penalties *latae sententiae*: §3. If the law does not contain such expressions: 1.⁰ Ignorance of the law or only of the penalty, if it crass or supine, does not excuse from a penalty *latae sententiae;* if it is not crass or supine, it excuses from medicinal penalties but not from vindicative penalties *latae sententiae . . .*"

At the outset, of course, it should be remembered that if the ignorance is such that it excuses a person from the guilt of grave sin, that person will also be excused from the penalty. The reason is that all ecclesiastical penalties, medicinal and vindicative, are inflicted only for the commission of a crime or, as it is technically called in the Code, a *delictum* (cfr. canon 2195); and every *delictum* is of its nature a grave sin (although not every grave sin is a *delictum*). Consequently, if a person is excused through ignorance from a grave sin, he cannot be guilty of a *delictum,* and consequently he cannot incur a penalty which is imposed only for the commission of a *delictum.*

Having in mind, therefore, the above principle and also the contents of canon 2229, the position in regard to ignorance and its relation to vindicative penalties may be summarized as follows: (a) Affected ignorance, i.e., ignorance that is deliberately willed and actually becomes a means of violating the law, does not excuse from vindicative penalties *latae sententiae,* even if the law has an expression after the nature of those contained in the second section of canon 2229 and requiring full knowledge and deliberation; (b) If the law contains such an expression any kind of ignorance other than affected ignorance, even though it is gravely culpable in itself, will prevent the incurrence

of the penalty; (c) If the law does not contain any such expression, neither ignorance that is crass or supine nor ignorance that is simply culpable to a grave degree excuses from vindicative penalties *latae sententiae.* In other words, as far as *ipso facto* vindicative penalties are concerned, it may be said that affected ignorance, crass or supine ignorance, and simply culpable ignorance that is grave, do not excuse from their incurrence unless, as regards the last two categories of ignorance, the law contains expressions such as those mentioned in the second section of canon 2229.

4. In the fourth place, it will not be out of place to offer some remarks about the particular vindicative penalty with which the queries of our correspondent are concerned, the penalty of legal infamy (infamia iuris). In general infamy itself may be described as the loss of one's good reputation; and canonical infamy is of two kinds, infamy of law and infamy of fact. Legal infamy is that which is declared by the law itself and thus is that canonical penalty which is attached by the common law itself to the commission of certain determinate crimes. The penalty of legal infamy is a vindicative penalty, and may be either *latae sententiae* or *ferendae sententiae.* However, whether it is incurred automatically or only after special imposition by the lawful superior, it remains true that it is incurred or may be imposed only for the commission of those particular crimes to which it is attached in either way by common law.

The way having been prepared by the preceding explanations, we are now in a position to give the answers, as we see them, to the queries of our correspondent.

FIRST QUESTION

The first question of our correspondent is: "Has a confessor or parish priest any obligation to notify an offender that he has incurred the vindicative penalty of legal infamy?"

It appears to us that our correspondent has in mind the vindicative penalty of legal infamy incurred by the offender as an automatic (*latae sententiae*) penalty, and not as a *ferendae sententiae* penalty, since if the penalty were subsequently to be imposed on the offender by a judge or superior—as *ferendae sententiae* implies—he would certainly be informed of its incurrence. Our correspondent appears rather to have in mind a

situation in which the delinquent has committed one of the crimes to which the penalty of legal infamy is attached by general law and is unaware of the fact that he has committed a crime to which this penalty is attached. Also, we must assume that the ignorance of the offender in the case is not such as to excuse from the guilt of grave sin or to qualify for inclusion in the category of ignorance referred to in the second section of canon 2229, since in both of these cases the penalty would not in fact have been incurred. This has been made sufficiently clear in the preliminary explanations.

With these reservations, the reasons for which are clear, it appears to us that the delinquent should be informed of the penalty. This would seem to be the conclusion to be drawn from the following considerations:

(1) From the principles already set down, and especially from the ruling of canon 2229, it is clear that the legislator is unwilling to exempt, and in fact does not exempt, an offender from vindicative penalties, and therefore from legal infamy, on the ground of ignorance; and, in turn, this patent fact must mean—if it is to mean anything—that the legislator wishes the penalty to be observed even though there is ignorance on the part of the offender because this ignorance is gravely culpable. Consequently, unless the delinquent is informed that he has incurred the penalty the will of the legislator will be frustrated, and to discountenance any obligation to inform the offender would seem to make the legislation of canon 2229 something meaningless and devoid of purpose. It would be to adopt the attitude that the offender need not observe the penalty precisely in circumstances in which the legislator wills that he should observe it.

(2) There is surely an obligation to see that, as far as possible, ecclesiastical laws are observed. In this case the law is that the penalty has been incurred and is to be observed, and the law also states that ignorance is not admitted as an excuse. It must follow that the offender should be informed. In a sense, our correspondent has suggested this reason when he wrote that "laws were made to be observed not to be dispensed from". Otherwise, the confessor or parish priest would be performing an act which in effect would be almost the equivalent of a dispensation, when the legislator himself has deliberately not made such an exception.

(3) From the manner in which our correspondent has proposed his queries the implication seems to be present that little or no purpose can be served by informing such an offender that he has incurred the penalty of legal infamy, because "a glance through the consequences of such a penalty shows that its observance involves little or no inconvenience for the ordinary person". However, the point would rather seem to be that, in so far as these consequences are applicable, the legislator himself nevertheless wishes them to be observed even by the 'ordinary person', and apparently does not regard them as being negligible. Thus, this cannot be regarded as a sufficient reason in itself for maintaining that the offender need not be informed of the penalty, and to affirm otherwise would appear to be purely arbitrary on our part. It is true that the majority of the consequences of legal infamy are concerned with acts that relate to the clerical state, and the term *ordinary person* as used by our correspondent appears to be synonymous with *lay person.* But, in the first place, the penalty and its consequences in fact are not restricted to clerics; while, in the second place, even consequences that relate to the clerical state can at least have a subsequent practicality for the lay person who has incurred this particular penalty of which—in our supposition—he is ignorant. The following example should help to illustrate this point. A lay person who incurs legal infamy also contracts, as a consequence, an irregularity to the reception of Orders. If, without having been informed of the penalty of legal infamy and the consequent irregularity, this lay person receives tonsure he does so unlawfully, since an irregularity prevents the lawful reception and exercise of orders and ignorance does not excuse from the incurrence of an irregularity (cfr. canon 988). However, having been validly, if unlawfully, ordained he is then in danger of performing certain actions invalidly, as is clear from the wording of canon 2294, §1. His ignorance would not prevent the invalidity of these actions since canon 16 states that "in the case of invalidating or incapacitating laws no ignorance excuses from them, unless that is expressly stated in the law." Thus, the failure to notify even the "ordinary person" of the penalty of legal infamy could result in the performance of unlawful and even invalid acts, a consequence which involves more than "little or no inconvenience."

(4) Again the primary purpose in the imposition of vindicative penalties is the punishment of the crime and the restoration of the violated order of ecclesiastical discipline; and this, in reality, is achieved only when the offender knowingly discharges the penalty. Hence, this is true in regard to the particular vindicative penalty with which we are here concerned; so that an obligation to inform the delinquent would seem to arise from the very nature and purpose of such penalties.

(5) The delinquent should not be permitted to gain any advantage from his ignorance which, in the hypothesis, is gravely culpable and not intended by the legislator to be an occasion of escaping the penalty.

(6) It will not be out of place to add that the notification of the penalty will also provide an opportunity for the fulfilment of what may be regarded as the secondary purpose in vindicative penalties, namely, it will enable the offender to amend and seek the remission of the penalty which, even though he is unaware of it, he has in fact incurred.

SECOND QUESTION

The second query of our correspondent is: "Has an offender an obligation to seek a dispensation from that penalty (i.e., legal infamy) and thus recover his full legal status as a member of the Church?"

It has been pointed out that vindicative penalties cease by dispensation granted by the lawful authority. Since the penalty of legal infamy is inflicted only by virtue of the common law, it would follow that a dispensation from this penalty would be granted only by the Holy See. In fact, it is expressly stated in canon 2295 that the penalty of legal infamy ceases only by a dispensation granted by the Holy See. In his question our correspondent is inquiring whether an offender who has incurred the penalty of legal infamy is bound to seek such a dispensation, since that is the manner in which this penalty ceases. To our way of thinking it appears that an obligation cannot be imposed, and the following observations should convey sufficiently our reasons for denying the existence of an obligation. While the reasoning in each of the following observations gives the appearance of close similarity, it will be seen that the actual starting-point in each observation is a different point of view:

(1) It has already been pointed out in the introductory explanations that a dispensation is a favour. Now, of its nature a favour is something that a superior is not bound to grant and it is something that the subject is not bound to request. No one can be obliged to request a favour. Consequently, it would seem to follow from the nature of a dispensation that a strict obligation cannot be imposed on the delinquent to seek a dispensation from the ecclesiastical penalty of legal infamy.

(2) The penalty of legal infamy appears in the law as the punishment for the commission of certain crimes. The will of the legislator, therefore, is that the offender who commits one of those crimes should continue to be the subject of the penalty and its accompanying disqualifications; that is the law. The superior may dispense and thus cause the punishment and its effects to cease, or he may not. But it is difficult to see how a person can be obliged to request a relaxation of what the superior has made a law which by its very nature and purpose should be observed. The offender, of course, may request the relaxation, but, with the nature and purpose of law before our minds, there does appear to be something contradictory in saying that a person has an obligation to request the relaxation of the law.

(3) It would also seem that the very nature of vindicative penalties precludes the imposition of a strict obligation to seek a dispensation. A vindicative penalty is imposed to punish the crime and to repair the violation of order. It is a penalty in the strictest sense, and the whole purpose and nature of a vindicative penalty is that it should be carried out completely in order to atone for the violation of order. It surely follows that the removal of the penalty depends simply on the superior rather than on any act of the offending subject. The removal of a vindicative penalty is not dependent on the cessation of contumacy on the part of the offender; and hence, while a petition for a dispensation might indicate that the offender had receded from his contumacy, the superior could still permit the penalty to remain without being guilty of any injustice. It would simply mean that the superior had decided to confirm the observance of his law and not to grant a particular relaxation of it. Thus, viewing the question from the point of view of the nature of a vindicative penalty as such, it would seem that in regard to our present query a strict obligation could not be imposed on the delinquent to seek a dispensation.

(4) All vindicative penalties—and not only the penalty of legal infamy—imply some restriction which deprives the offender of some good that ordinarily, as a member of the Church, he would possess. Thus, if it is claimed that an obligation to seek a dispensation exists on this ground, it would also apply in the case of all vindicative penalties. And yet the legislator expressly states in the law that vindicative penalties may cease either by dispensation or by expiation; for example, by the observance of the penalty for the entire period of time for which it was imposed. In other words, as far as this second query of our correspondent is concerned, it would appear that the legislator is equivalently stating that there is no strict obligation for the offender to seek the dispensation; otherwise, there would be no point in imposing them for a definite time—as is generally the case—since there would be an obligation that would obviously bind immediately. On the other hand, a vindicative penalty may be imposed *in perpetuum*. It would be difficult to reconcile a perpetual penalty with an obligation to seek a dispensation from it. Hence, the whole concept of expressly imposing vindicative penalties for a time or for perpetuity appears to exclude, not the possibility or advisability of requesting a dispensation, but the strict obligation to request it.

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Homiletics

EARLY CHRISTIAN HOMILETICS

I. St. Peter's Discourse at Pentecost (*Acts* 2:14-36).

It was most appropriate that the propagation of the Gospel should begin on the Feast of Pentecost. On that occasion, known also as the Feast of Weeks, the chosen people used offer to God the fruits of the harvest just completed, thereby acknowledging their debt of thanks due to Him. The Descent of the Holy Spirit was a harvest festival of a different type. It inaugurated a spiritual harvest to which Our Lord had once referred after His success with the Samaritan woman: "Why, lift up your eyes, I tell you, and look at the fields; they are white with the promise of harvest already" (Jo. 4:35). The work of redemption began to produce its first fruits. Moreover, Pentecost was one of the three principal feasts of the year, and Jews from Palestine and beyond flocked to Jerusalem in particularly large numbers, the season being more congenial to travel than the early Spring of the Passover. The list of nationalities in Acts 2:9-11 comprises pilgrims from almost every corner of the known world. By this coincidence the beginning of the Church's mission took place in a cosmopolitan atmosphere which both symbolized and defined its universal import—a fact whose relevance St. Luke could hardly fail to appreciate.

The first christian assembly was brought together by supernatural means. The roaring noise "like that of a strong wind blowing" soon brought a crowd to the place where the Apostles stood, and, once there, they were bewildered by the phenomenon of the tongues. This gift, it seems, did not always follow the same pattern, and there is even some doubt as to what precisely it meant at Corinth some years later. But at Pentecost it certainly consisted in the use of various languages by persons who could not naturally have had a knowledge of those tongues. There is no basis in the text for the popular notion that a person speaking in his own language was understood in many languages. Since the use of the widespread Greek of the time would not have been surprising in Galileans, the astonishment must have been due to their use of the local

languages of the areas mentioned in 2:11. The Jewish pilgrims, who were for the most part engaged in business in gentile cities, would have been familiar with those local tongues, and amazed to hear them on the lips of Galileans who had never been abroad. The only natural explanation suggested was that "they have had their fill of new wine" (v. 13). It was from this point that St. Peter's discourse took its departure, and its first section (vv. 14-21) is an answer to that mocking charge.

The taking of wine before noon on feast days was contrary to accepted custom, if not actually forbidden. Peter mentions therefore that it is but the third hour (9 a.m.). No, another explanation of the phenomenon must be sought, and this the speaker indicates by a quotation from the prophecy of Joel: "In the last days, God says, I will pour out my spirit on all mankind, and your sons and daughters will be prophets . . ." (v. 17). The prophecy of Joel, to be dated probably in the fifth century B.C., deals with the trials of the Hebrew people as the result of a locust plague which had destroyed the crops. From that theme the prophet turns suddenly to the blessings which the people of God may expect in messianic times, among which will be such an abundant outpouring of the spirit of God that prophecy will no longer be the privilege of the few but the prerogative of the masses: "Everywhere servants of mine, handmaids of mine, inspired to prophesy" (Joel 2:29). The author is lavish in his description of those times: "I will show wonders in heaven above, and signs on the earth beneath, blood and fire and whirling smoke; the sun will be turned into darkness and the moon into blood, before the day of the Lord comes, great and glorious" (Joel 30:31). We need not look for the literal fulfilment of these words in the event of Pentecost. They are the recognized prophetic terms for a spectacular event of messianic times, and St. Peter found no difficulty in seeing their fulfilment in the tongues.

The startling phenomena of Pentecost, then, were simply a sign of that abundance which accompanied the gift of the Spirit. St. Peter would have been the first to admit that this spectacular effect was secondary by comparison with the spiritual effects being accomplished. Three thousand would shortly give evidence of the Holy Ghost's spiritual efficacy. And so it has continued throughout the history of the Church. The

presence of the Holy Spirit in the Church has been manifested chiefly by her spiritual riches: the development of doctrine, copious works of charity, the rise and growth of spiritualities suited to every age, examples of personal sanctity, the christianization of social institutions. But occasionally, as at Pentecost, the copious Spirit has, in accordance with Providence, produced even externally spectacular effects. The occurrence of the miraculous, as at Lourdes, is always a possibility when this bountiful Spirit is at work.

The preamble concluded, St. Peter proceeds to the essence of his message: the preaching of Jesus as Christ and Lord (vv. 22-36). Yet this last point is not abruptly introduced but emerges gradually from the trend of his words. At the outset he speaks of Jesus simply as a man of Nazareth of whom God approved, as evidenced by the miraculous works which God was prepared to perform through Him. The miracles of Christ have always been the basis of Christian apologetics and have provided the rational justification for the acceptance of Christ by Christians. Thus it is an apologetic fact of major importance that Christ's contemporaries, whether friends or enemies, recognized His works as beyond the course of nature. That they did so recognize them is apparent from St. Peter's curt phrase here: "As you yourselves well know" (v. 22). He regards the miracles as facts known to all whose existence needs no proof.

The survival of the early Church must always remain something of a mystery. We would expect that the persons who had put Our Lord to death, and then smothered to their own satisfaction the rumour of a missing body, would have been prepared to take most drastic steps against any attempt at revival of the cult. Humanly speaking the Church's chance was small. And while not wishing to explain it in a merely human fashion, we may still observe the prudence and restraint which Peter and his companions showed at Pentecost and later. The present discourse is a model of prudent caution. St. Peter was content to begin from the idea of Our Lord as a man accredited by God. In the original discourse, which was certainly much longer than Luke's summary, the divinity of Christ must have emerged even more smoothly than it does in our text. Then again, Peter makes no violent accusations against authority such as may have stirred up immediate opposition. The crucifixion was

perpetrated through the hands of an undefined group of "lawless men," which could mean Caiphas and his circle, Pilate and his court, or the legionaries who happened to be on duty. Finally, Our Lord is presented by Peter as the logical outcome of the Old Testament, and the current events as clearly foretold. Peter claims to do no more than make Israel aware of her heritage. This gracious approach won much goodwill from the people, as is evident from subsequent chapters of the Acts. By the time opposition organized itself, it had to contend with widespread popular sympathy.

St. Peter realized, however, that the resurrection was the crucial point. This had not been witnessed by his audience, but hidden from them through deceit. "God raised him up again, releasing him from the pangs of death; it was impossible that death should have the mastery over him" (v. 24). And the apostles are the officially constituted witnesses of that event: "We are all witnesses of it" (v. 32). In order to support further the doctrine of the resurrection he then quotes at length from the second half of Psalm 15. It is interesting to notice that St. Paul later quoted the psalm in the same context (Acts 13:35). This Davidic psalm compares the false gods to the true God. In the first part (vv. 1-6) the psalmist affirms that the gods of other nations are merely things of earth and worthless; he will be happy to affirm his faith in Yahweh. In the second part he lists some of the blessings which, he is sure, will follow as a result of his allegiance. God will be at his right hand to give him strength and confidence: "For thou wilt not leave my soul to Sheol; thou wilt not let thy holy one see corruption; thou wilt make me know the path of life" (vv. 10-11).

After the authentic interpretation of these words given by St. Peter and again by St. Paul, it must certainly be affirmed that the author spoke of the resurrection of Christ. There is a decree of the Biblical Commission to that effect. Some would go further and affirm that the second part is exclusively messianic, in the sense that in no way does it apply to David. Such an interpretation would at least be contrary to the normal pattern of prophecy, in which current events serve as a basis for predictions of the future. It seems preferable to say that David hoped for a release from such violent death as would plunge him into the pit of Sheol, and for happiness and length

of life. As St. Peter points out, that hope was not fully accomplished in the person of David (vv. 29-30), but its full meaning is to be found in the resurrection. This is an example of the "fuller" sense of a passage: a sense intended by God and actually contained in the words, but apprehended only obscurely by the human author (Cfr. Kissane, Ps. 15).

The prominence of the resurrection in this discourse should cause us no surprise; it is no more than characteristic of the place which that event occupied in the thought of the early Christians. St. Paul was later to write that "if the dead do not rise, then Christ has not risen either; and if Christ has not risen, then our preaching is groundless, and your faith, too, is groundless" (1 Cor. 15:13). Sometimes we are so concerned with an apologetic thesis that we regard the resurrection as nothing more than the supreme miracle by which Christ manifested His divine power. It was that, but it was much more too, for Saints Peter and Paul. It was the assurance of our ultimate victory over the twin evils of sin and death; it was the act by which Christ was constituted a vivifying Spirit for our salvation; it was, to speak metaphorically, the divine signature to the deed of our adoption in Christ. Our Lord's resurrection is entitled to a central place in Christian thought. We Christians are a people fitted by Baptism into the pattern of Christ's death and resurrection, awaiting in hope the triumph of our own glorious resurrection.

St. Peter's conclusion (vv. 33-36) bears the marks of being a very brief summary. Christ, having been raised up, is now at the right hand of God, and preparing to triumph over His enemies. The quotation from Psalm 109 is one which occurs frequently in the New Testament and was the subject of a challenge to the pharisees on Our Lord's own lips. But here the emphasis is on the coming triumph: "Sit on my right hand, while I make thy enemies a footstool under thy feet" (v. 35). This will most certainly be fulfilled, for "God has made him Master and Christ, this Jesus whom you crucified" (v. 36). He is the Messiah—Christ, the anointed—and Lord, *Kyrios,* the term used by the Septuagint to translate the divine name.

The almost incredible optimism of Peter! His fellow witnesses number eleven, his followers about one hundred. Yet

he announces the advent in triumph of one who was crucified as a criminal, and that within stone's throw of the powers which had engineered His apparent downfall. That is the Christian optimism born of faith, with a good measure of that fortitude given by the Spirit. That optimism has ever remained a mark of the Church, even during its darkest hours, and the annual recurrence of the feast of Pentecost should be an occasion of its renewal in our minds and hearts.

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SHORT NOTICE

THE YEAR MADE HOLY, by Monsignor Matthias Premm (Mercier Press. 1958. 200 pp. 15/-).

This book has been translated from the original German, and reads very well—but what small type! We have to be patient on this matter, but in good, clear type it would be much more attractive. The intellectual and liturgical content of the book is excellent. The author, saturated in the spirit of the liturgy, has written a chapter for every Sunday and for all the liturgical feasts of the year, so that a reader will be attuned to the mind of the Church. As the chapters are short, the appropriate one could well be read aloud in schools, seminaries and novitiates on the eve of the Mass.

In a preliminary chapter, *The Ecclesiastical Year*, the author rightly notes that "many Christians live through the ecclesiastical year in a half-sleep, with no proper realization of its grandeur." In one place he tells that during the last World War the doctor entered a hospital ward and asked sarcastically: What do you Catholics mean when you celebrate Pentecost to-day? Monsignor Premm comments: "There was no answer." But we venture to say that the only person deserving of blame was the odious doctor. After all, one would need to be a robust convalescent to take the floor in such circumstances. Still, we see Monsignor Premm's point about the dumb Catholic.

There are several books written on somewhat similar lines. But there seems to us a special aura about writing that comes to us from the heart of suffering Europe.

—M.O.

Notes

TRADITION AT THE COUNCIL OF TRENT

Among the surprises that Ecclesiastical History offers, a considerable one is the somewhat sardonic look it turns on Church councils. Denzinger sets out the results of the councils' labours—dogmatic expositions and decrees that are clear and calm, their meaning nicely determined and limited, their clauses, even their individual words, obviously weighed before being chosen. These, one would say, are the result of quiet conference, of learning shared by the council Fathers, sitting gravely over their books of reference, contributing occasionally suggestions that give light or point or force to the decrees.

History presents a different picture; and with distress or amusement, according as he is more Hefele or more Duchesne, the historian hears beyond the measured language of "DB" the shouting of passionate Egyptians and Syrians, the agonised screams of Bishop Flavian at Ephesus and of Pope Vigilius at Constantinople, sees the drawn swords that guarded and could easily be turned against the council, the monks swarming angrily from the East and South to force their various orthodoxies on the bishops.

Trent was a quiet council, and, if we except the pulling of a bishop's beard, witnessed no such violent scenes; but it too can offer contrasts between the decrees and the debates that produced them.

It was Trent that settled the place of Tradition in revelation. "The holy, oecumenical, general Council of Trent, lawfully assembled in the Holy Ghost, the same three legates of the Apostolic See presiding over it, has always as its purpose to remove error and to preserve in the Church the very purity of the Gospel. This Gospel, originally promised by the Prophets in the sacred Scriptures, Our Lord Jesus Christ the Son of God first promulgated with His own lips, and then commanded that it be preached to every creature through His apostles as the source of all saving truth and good conduct. The Council acknowledges that this truth and morality are contained in written books and in unwritten traditions which were received by the Apostles from the mouth of Christ himself, or were handed on from the

Apostles themselves under the inspiration of the Holy Ghost and so have come down to us. After the example of the Fathers of the true faith, it receives and venerates with the same sentiments of affection and reverence all the books of the Old and New Testament, since God is the author of both, and the traditions too that regard faith and morals and have come from the lips of Christ or have been dictated by the Holy Ghost and preserved by continuous succession in the Catholic Church."[1]

The Vatican Council only repeated what was taught by Trent firmly, clearly, and with an admirable economy of words.[2] To these words every theologian turns who writes on Tradition, and by them must his thought be guided.

It is disconcerting then, to read the debates on the draft of this decree in the Council, and to notice how awkwardly nearly all the bishops at first handled the notion of Tradition. They had lost the familiarity of the early Church Fathers who battered heresy with that weapon. From Polycarp to Basil and Augustine the champions of orthodoxy make it almost too easy to decide what is truth and what heresy. Find which is the *doctrina tradita,* the *traditio ab apostolis accepta,* examine the pedigrees of both, and your problem is solved. Can a teacher claim apostolic descent for his doctrine? Does he teach what was handed down to him? Noetians, Marcionists, Valentinians, Macedonians and Arians were all swept aside with this argument of Tradition.

Indeed the development of the Church's dogma and its use of new weapons to meet new attacks was endangered in successive centuries, as this reverence for Tradition was exaggerated by irresponsible theologians to a worship of mere formulae. After each council fanatics were found to deny any further development. At Ephesus they said the loyal Catholic must be satisfied with Nicea and Constantinople; at Chalcedon, with Nicea, Constantinople and Ephesus. The decrees of these councils expressed the faith of the Church and it was heresy to go beyond them. The fanatics lost their case and passed over to heresy themselves. The true defenders of the faith saw the need of flexibility and understood the law of doctrinal evolution. A letter written in the emperor's name after Chalcedon showed the proper alliance of development with Tradition. "We know

[1]DB 783.
[2]DB 1787.

that there is nothing about the natures (of Christ) in the creed drawn up by the 318 holy fathers (at Nicea). For no question had been raised on the subject then. And now nothing new has been set forth at odds with that faith: but what those fathers, eminent for their orthodoxy, laid down we have made stronger."[3]

Somewhere between those early centuries and Trent the notion of Tradition became obscured. The argument from Tradition was still used readily and effectively. Bishops in councils, theologians at their ambos still demanded or set out the origin and history of the Church's dogmas. But—perhaps as a result of the eclipse of positive by scholastic theology in the Middle Ages—the function, exact nature, and relative importance of Tradition were not seen with any great clarity.

So at Trent, when the Council came to formulate a decree on Tradition, it groped somewhat and stumbled. Not for long. The practice of the Church in using Tradition had been constant. During these very days the Fathers were appealing to its witness on the canon of Scripture, and were to repeat such appeals when they went on to Justification, Original Sin and the Sacraments. They had only to reflect on the significance of what they were doing, to achieve assurance and finality. But when Tradition first came up for debate on February 18, 1546, there was a confusing variety of opinion, even about the advisability of mentioning it in the decree on the Church's sources of belief.

The Bishop of Chioggia, James Nacchianti, was for passing it over—everything necessary for salvation, he said, is to be found in the Scriptures.[4] Other bishops, too, complained that when important subjects were yet to be dealt with, time should be spent on such a matter—milk and pap, the Bishop of Astorga called it.[5] Many wished all the traditions of the Church to be enumerated. The Bishop of Pienza was insistent on this, as there could be no question of adding an anathema unless you specified what were the traditions whose rejection was anathematised.[6] But Thomas Campeggio of Feltre objected to an enumeration: there were too many traditions for that.[7] Cardinal Pacheco also was against enumeration, because if any traditions were omitted

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[3]Acta Conciliorum Oecumenicorum (Schwartz), Tome II, Vol. 5, page 6.

[4]Concilium Tridentinum, Edid. Soc. Goerresiana (CT), Tome V, p. 18.

[5]CT, I, 494.

[6]CT, V, 34.

[7]CT, V, 13.

from the list, they would be regarded as having been reprobated by the Council. So let them all be approved in general.[8] Bishop Vigerio said, if you do that you'll be thought to revive the obsolete traditions of the Church.[9]

These obsolete traditions caused the Bishop of Fano difficulty.[10] You can't say in the decree that the Church accepts tradition as a rule of faith, because traditions have lapsed. Several bishops would have solved that by classifying traditions, but they differed as to what classes deserved mention. Some wanted the division to be according to age, others according to subject.[11] Here they would have been confused by a pamphlet written and circulated during these days by Seripando, the general of the Augustinians and one of the most learned theologians at Trent. He wrote that tradition meant law, custom, usage; not belief.[12]

From February 18 the debate went back and forth over these points. Gradually the notion of Tradition became clearer, its outline more definite. Cardinal Pole, rebuking the bishops who complained of wasting time, established the supreme importance of Tradition. "If they considered how Satan at this time has begun to sift us, how, I mean, our whole religion is called in question by our opponents, they should not think that we are doing little or nothing, in establishing Scripture and Tradition. Indeed it is something of the greatest importance, of such weight that nothing more serious or greater could be done by us."[13]

Another of the three papal legates, Cardinal Cervini, suggested the unique position of Tradition as a source of revelation. "He approved of dealing with Tradition immediately after sacred Scripture, for they differ from one another only in this, that the latter is written, the former not, but one and the other have come from the same Spirit. He stated that there are three principles and foundations of our faith. The first, sacred Scripture; the second, the Gospel; the third—because the Son of God was not to remain always with us in bodily form, He sent the Holy Ghost, Who in the hearts of the faithful should reveal divine secrets, and should teach the Church all truth daily to the end of time."[14]

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[8]CT, V, 18.
[9]CT, V, 33.
[10]CT, V, 39.
[11]CT, I, 33, 483, 522.
[12]CT, XII, 517.
[13]CT, V, 21.
[14]CT, V, II.

The idea of enumerating the traditions was dropped, but apparently without the Fathers realising how static a concept of Tradition it expressed, and how it would have transformed the living Church into a museum for dogmatic fossils.

A committee of bishops, appointed on February 26, listened to the debates and by March 22nd had a draft decree ready to meet the views of the majority.[15] It specified tradition by adding "apostolic," but this was not enough to prevent misunderstanding. A few bishops asked were they expected to revive *all* traditions going back to apostolic times—abstention from blood-meat, for example?[16] The decree was amended along lines suggested originally by Claude le Jay, the proxy of Cardinal Truchsess of Augsburg.[17] Tradition in the decree meant tradition that expounded faith or morals.

The Fathers had decided to include Tradition in the decree because it, like the Gospels, had the Holy Ghost for author.[18] Nevertheless, many of them jibbed at the phrase in the decree which put Tradition on the same level of dignity as Scripture—*par pietatis affectus* was given to both. Here occurred the most vigorous debating. Nacchianti said the idea was impious[19] and provoked a storm of protest. He withdrew a little: not the bishops supporting the phrase, but the phrase itself was impious, for it meant that the ancient prescription to pray facing the East was as important as the fourth Gospel. This did not satisfy the senior legate, Cardinal del Monte, and he told Nacchianti to speak more moderately. Nacchianti withdrew a little further: he had meant by impious, that it did not make for edification, it would burden the faithful. The Cardinal, rolling his eyes, one imagines, towards the roof of the Church and addressing space, but loudly enough for Severoli, the Promoter of the Council, to hear, said, "I love Nacchianti, but may God give him some common-sense." Then turning on Nacchianti he said, "Do you know more than the whole synod?" But Nacchianti stood fast. He was sorry if he had offended anyone, but he could not change his opinion unless he were shown that it was wrong. And at the solemn session that promulgated the decree his judgment was not the *Placet* of the other bishops, but a grim *Obediam.*[20]

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[15]CT, V, 31.
[16]CT, V, 33.
[17]CT, V, 13.
[18]CT, I.
[19]CT, V, 55.
[20]CT, V, 93.

His objection to parity of Tradition with Scripture was shared in the first debate on the draft by a dozen Fathers.[21] Accepting Tradition as from the Holy Ghost did not settle the matter. Bertano pointed out that the Holy Ghost was the source of all truth, but not all truth had the same authority.[22] Patiently the committee's point of view was explained and the day before the solemn session the bishops were close to unanimity.[23]

The debate had produced some changes in the draft.[24] Among others, Christ's revelation was the *fons* not the *regula* omnis et salutaris veritatis; the traditions of the decree were those tum ad fidem tum ad mores pertinentes; and revelation is found simply in both Scripture and Tradition, not *partly* in Scripture and *partly* in Tradition.

A few days after the debate began the legates wrote to the Cardinal Secretary of State that the decree would cause no trouble.[25] If it took longer to be completed than they expected, volubility not theological opposition was the main cause of this. As early as February 26, Cardinal del Monte complained that bishops who had nothing new to say in the debates took too long to say it.[26] But it was not until the end of March that the legates hit on a way of getting more business done—they shifted the meeting of the congregations to before dinner. "For the mind," Secretary Massarelli wrote, "is quieter and less clouded before dinner, particularly at this time of the year, than after it, when men are inclined to go to sleep and weighed down (gravati) by food, cannot concentrate their minds." Besides, they would be able to break off tiresomely long congregations by saying, "It's dinner-time."[27]

Non-Catholic theologians are inclined to make a somewhat too complacent contrast between their own freedom and the repression by authoritative pronouncements of Catholic theological speculation. A glance at the Church's history could show them how illusory is their satisfaction. Dogmatic decisions stimulate theological speculation, they do not kill it. There was far more Trinitarian theology after Nicea than

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[21]CT, V, 42-45.
[22]CT, V, 39.
[23]CT, V, 55.
[24]CT, V, 31, 91.
[25]CT, X, 394.
[26]CT, I, 34.
[27]CT, I, 531.

before it, far more thinking about nature and person in Christ after Ephesus than before it. And such thought was richest and longest-lived among the Catholics, not among the heretics. There is only one effective way of killing speculation about the Trinity, and that is to convince theologians that there is no Trinity. Successful heresy always makes a desert where before there was fertility.

Trent's decision had an expansive effect on the theology of Tradition. In his work, "De divinis, apostolicis et ecclesiasticis traditionibus," written in the earliest days of Trent, Martin Perez de Ayala pleaded the great difficulty of writing on a subject that had been neglected by previous writers.[28] After Trent there could be no such plea. Melchior Cano's *"Loci Theologici"* and Bellarmine's *"De Controversiis"* show the new amplitude and accuracy with which that neglected subject began to be treated immediately after 1546. Theologians since then have given it its proper place.

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[28]Estudios Ecclesiasticos, 20 (1946), p. 33.

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NAPOLEON'S 'DIVORCE'

In the vast field of Napoleonic literature, one would have thought that after the labours of Thiers, Masson and, just recently, Louis Madelin with his sixteen volumes—to mention only three of the leading Napoleonic scholars—it would have been impossible to throw new light on that tremendous career. The time had come for appreciations. Madelin, for instance, a Bonapartist, was attacked and ridiculed by Jean Savant, who has almost a personal hatred of the Emperor. Yet a canonist of the *Institut Catholique* has recently written a book—a thesis in Canon Law—which will join the some five hundred volumes, indispensable, according to Bainville, for any serious study of the First Empire.[1]

The vast house, Rue d'Antin, 3, which was standing in Paris some years ago (and may well be still in existence) was in 1796 the Mairie of the second arrondissement. On March 9 of that year, at eight o'clock in the evening, the candles gleamed

[1]*Le "Divorce" de Napoleon et de l'imperatrice Josephine: Etude du dossier canonique*, by Louis Gregoire, Paris, 1957. 240 pp.

in the large salon, ornate in its 18th century decoration. Important people of Directory Paris were gathered there that evening: Barris and Tallien who were to act as witnesses to a marriage. There too with the indefinable nonchalance and grace of a Creole was Josephine Tascher de la Pagerie, widow of Vicomte de Beauharnais, flanked by her devoted man of affairs, Camelet. Drowsy behind his desk was the civil official, *le citoyen* Leclercq. Two long hours passed, when a little after ten, the noise of voices on the stairs, the sound of a sabre clinking against the steps —it was General Bonaparte, who woke up the Mayor, saying: "Hurry up, Monsieur Le Maire, marry us quickly."[2] There is little softness in Napoleon's life, but something human and appealing appears in his courtship and marriage with the indolent, extravagant widow who had not mourned her guillotined husband in the frivolous world of the Directory. Both had their reasons for the marriage.

It will be seen that it was a marriage without benefit of clergy. General Bonaparte may have noted that fact with calculation, as in the turbulent period at the eve of the Italian campaign it was foolhardy to burn all his bridges. A canonist at the beginning of this century raised the question if it were possible to have the presence of a priest, properly qualified, at a marriage in the Paris of 1796? M. Gregoire argues convincingly that it was possible, citing for instance Danton's second marriage.

The affair of Italy came and passed; the raid on Egypt took place (during which the foolish Josephine deceived her husband, her terrible husband, and it was only the pressing demands of politics that saved her); the First Consulship; the Empire.

On 1st of December, 1804, the day before the coronation of Napoleon and Josephine, Cardinal Fesch received the matrimonial consent of the Emperor and Empress.[3] M. Gregoire dismisses the story that witnesses were present, Talleyrand and

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[2]Readers will recognize the hand of the alert and much disputed historian, G. Lenotre, *Vieilles Maisons, Vieux Papiers*, 1st series, p. 183-192.

[3]Cardinal Fesch drew up a certificate of marriage which he gave to the Empress, thereby arousing Napoleon's anger. The original is still extant and is in private hands. Fesch stated that after having been approached by Napoleon who informed him of Josephine's distress he went to the Pope and asked for the powers that the Grand Chaplain had under the *Ancien Regime*. Did the Pope, who had been assured by Cardinal Pacca that the marriage was correct, see the drift of Fesch's request? The marriage took place at four o'clock in the afternoon of December 1 at the Tuileries.

Berthier, the Emperor's Chief of Staff. It is evident that Napoleon was a most reluctant party to this religious marriage. No children had been born of the union, and Josephine may have felt her position was unsecure.

Five years later, on December 15th, 1809, the Emperor and Empress announced their decision to separate and seek a divorce.[4] In public, the nonchalant Josephine had to do her best to conceal her grief and the former friend of Mme. Tallien perhaps made some reparation for past weaknesses. Events hurried on. The following day, the Senate pronounced the divorce. It was now the turn of the ecclesiastical court of Paris. The diocesan promoter was Henri Rudemare, who after the fall of Napoleon was atttacked as a weakling who had betrayed his honour. M. Gregoire remarks that a judge and a court must move according to the law, sifting the evidence. Witnesses can deceive them by deliberate lying: the blame then will rest on the consciences of the witnesses. Likewise, M. Gregoire emphasizes that the ecclesiastical court of that time was guided by Gallican principles. He feels that it is unhistorical to consider the actions of the clerics concerned without taking that fact into consideration. Cambaceres, the jurist, after putting forward weak causes for the declaration of the nullity of the marriage (M. Gregoire canes severely historians who speak of a divorce, a "divorce" alone will he tolerate) wrote of the radical vice of the marriage, the absence of mutual consent. The witnesses brought forward by Cambaceres were four in number: Cardinal Fesch, the Emperor's uncle, whose role in the religious marriage will be remembered, Berthier, Duroc and Talleyrand. Cardinal Fesch's testimony was of the utmost importance, yet most curiously it was not given under oath, or at least that fact has not been recorded in the documents. Perhaps the affair was so treated, because the Cardinal was not only a Prince of the Church but also the Grand Chaplain. Rudemare and his colleagues after dwelling for some time on clandestine marriages, the absence of the parish priest and witnesses, turned to the question of consent. Cardinal Fesch, after a stormy youth (which the Emperor delighted in reminding him of), was an upright man. His

[4]Both Talleyrand and Fouche had been working for a divorce for political reasons. For Talleyrand's activity in this matter, see G. Lacour-Gayet, *Talleyrand*, vol. II, pp. 289-305 (Paris, 1930). The Empress at once left the Tuileries and took up her residence at Malmaison.

accounts varied somewhat of the momentous day. He stated that Napoleon had told him that he had not given a veritable consent. He had never desired to receive the nuptial blessing, although he had compelled the members of his family to do so; he had manifested the fact that he had not given his consent to several people; only the extraordinary situation—on the eve of the coronation——had forced him to appear to give consent. Berthier and Duroc, with soldierly brevity, swore "by their souls and consciences and by oath" that the Emperor had told them the marriage was but a comedy. M. Gregoire notes the similarity of the testimonies of the two soldiers, and feels sure they were coached by Cambaceres. He notes also that Rudemare visited them in their palaces and there appears to have been little examination of the illustrious witnesses. Rudemare then approached the Prince of Benevento, Charles Maurice de Talleyrand, ci-devant Bishop of Autun. The impassive Talleyrand swore that the Emperor had stated several times that he did not consider himself bound by the ceremony of December 1, 1804.

Of course, the ecclesiastical court saw clearly that the evidence of Berthier, Duroc and Talleyrand was weak. Rudemare was in doubt both concerning the fact and the law.[5] After painful hesitation, the Diocesan Official decided in favour of the nullity of the marriage. The promoter then appealed to the Court of second instance, the Metropolitan Court,[6] which considered the motive of refusal of marriage, the reason for simulation, the circumstances of the simulation, the will of the simulator. Finally the Court declared the marriage null by defect of canonical form and also by defect of consent. The French ecclesiastics have been justly accused of excessive haste; M. Gregoire argues that according to the practices of the Gallican Church the case was not reserved to the Pope; he acquits the members of the courts of prevarication; the weakness of the case lay in the suspect veracity of Berthier, Duroc and Talleyrand; Cardinal Fesch's testimony is hard to understand, but

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[5]Rudemare left a valuable account of the canonical investigation which he published in 1826, only a few copies being printed. He died in 1841 at the age of 83. Historians have looked upon him as limited but honest.

[6]The curious arrangement to uncanonical eyes was that the appeal from the Diocesan tribunal of Paris was to the Metropolitan Tribunal of Paris.

Fesch was an upright man. It would have been difficult for the Parisian judges to reject the testimonies of the great figures of the Empire, Berthier, Duroc and Talleyrand, who must assume responsibility for their evidence before God.

Another feature of this complex case was the position of Pope Pius VII. M. Gregoire quotes many Catholic historians who state the Pope before the Cardinals rejected the findings of the Parisian Court. He then goes to the documents. The Pope was a prisoner of Napoleon; at that time he was isolated from the 27 Cardinals, who had been summoned to Paris. Thirteen of them refused to attend Napoleon's marriage with Marie-Louise, the so-called "Black Cardinals" as the Emperor deprived them of the right to wear the insignia of their office. On the other hand it must be noted that fourteen Cardinals attended the marriage. About a month and a half after the wedding, Pope Pius VII had an interview with Lebzeltern, the Austrian diplomat who had assisted at the marriage. The Pope was indignant that Catholic Austria had given an archduchess to a soldier of fortune; he was resentful that he had not been informed of the marriage officially; he spoke of the "irregularity and incompetence" of the Parisan Court.[7] The death of the Empress Josephine almost coinciding with the release of the Pope changed the situation. There was no appeal against the findings of the French canonists, and the legitimacy of the King of Rome, Napoleon's son, was never questioned.

At St. Helena, Napoleon musing on his career spoke of his policy towards the Pope as a major mistake and disaster; at Rome, Pope Pius VII was the friend of the Emperor's family in the hard times after 1815, and he was the only sovereign who raised his voice in a plea for the mitigation of Napoleon's lot.

M. Gregoire's book besides the historical part has most recondite chapters on the canon law of that time and earlier centuries, which should be of interest to experts. One little criticism might be made in that he appears rather too anxious to excuse the actions of Rudemare and Lejeas.[8] The richness of

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[7]M. Gregoire remarks that it is not clear exactly what the Pope intended by the words, "irregularity and incompetence." Did this irregularity nullify the action of the Parisian canonists? The Pope hesitated because in his sad position the facts were not known to him. Even after his release seemingly there was no protest.

[8]Francois Lejeas (1744-1827) has been often looked upon as an imperial lackey. The author points out that in fairness to the canonist

documentation from the ecclesiastical and national archives, as well as from printed material, makes the book most valuable and interesting, helping historians to avoid some at least canonical *gaffes* in what is *une tenebreuse affaire*. It is to be regretted in a book rich with historical and canonical information that an index is lacking which makes the consultation of the book difficult.

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the facts of his appointment to the See of Liege should be known. He was appointed to that See eleven months before the ecclesiastical trial. It was Napoleon's policy that prevented him from receiving the necessary Bulls. After the trial he proceeded to Liege as Vicar Capitular, but in the upshot never received episcopal consecration. Having received a pension, he lived his last years at Brussels.

Book Reviews

THE GIFT OF GOD, by Monsignor John T. McMahon, M.A., Ph.D. London and Melbourne, Burns and Oates. 1958. 175 pp. 22/6.

Monsignor McMahon has employed his fertile and busy pen down the years to bring the knowledge and spirit of Christ to many in Australia and beyond, as his book, *Pray The Mass*, which was reviewed in the last issue of the *A.C.R.*, is now in the hands of English publishers.

The Gift of God is a prayer-book and a meditation book, too, for those who wish to cultivate devotion to the Holy Spirit. I am sure that Our Lady will always allow Australians to have a deep devotion to the Holy Spirit, because Australia is the Southern Land of the Holy Spirit.

Reading this inspiring book—a book which makes one regret much neglect—the feeling comes that the author wrote it as an act of love, and that tells.

The first part of the book treats of the mission of the Holy Spirit (pp. 13-83), while the second part (pp. 87-175) gives most useful advice, plans and a variety of prayers, invocations and thoughts, which will help the readers in their devotion to the Holy Spirit.

The author, like the unfortunate poet, is always conscious of the rumour of the city, so we have chapters on "Pray the Mass with the Holy Spirit," for instance, showing Monsignor McMahon's constant concern with Christ's people.

Sometimes people are rather afraid of devotion to the Holy Ghost, as books seem to make it an affair for theologians. The merit of this book is that it brings the devotion within the reach of all. The reviewer appreciated very much the explanation and pious commentary on the *Veni Creator Spiritus*, the author's suggestions for a novena to the Holy Spirit and his thoughts on the Feast of Pentecost.

Some of my readers may remember the superb sermons that Dr. Hayden delivered in the old Chapel at Manly in preparation for Pentecost. Those noble sentiments live again in Monsignor McMahon's book and in the translation of the *Veni Sancte Spiritus* with which His Lordship the Bishop of Armidale launches this book:

Wash what is in us yet unclean,
And what is parched do Thou bedew,
And heal our smarting wounds anew.
Bend what is rigid in us still,
Kindle the fervour long grown cool. . . .

(Our copy by courtesy of Pellegrini and Co.)

T.V.

CHRIST, OUR LADY and the CHURCH, by Yves Congar, O.P. Longmans, Green and Co., London, 1957. 103 pp.

This essay was originally published to commemorate the fifteenth centenary of the Council of Chalcedon, which defined, against the Monophysite heresy, the doctrine of the hypostatic union of the two natures in the one divine person of the Word. In the ecumenical debate between Catholicism and Protestantism the faith of Chalcedon is generally regarded as common ground, as the hopeful sign of eventual agreement. In spite of the differences which divide us, we are all one in our faith in Christ Jesus. On the other hand, the Catholic doctrines on the nature of the Church and Mariology are regarded by our separated brethren as the signs of contradiction, as the main obstacles to doctrinal unity. Pere Congar suggests that the differences concerning Our Lady and the Church are rooted in a difference about Our Lord Himself.

The fundamental opposition between Catholicism and Protestantism concerns the question of man's co-operation in his own salvation. According to the Protestant mentality salvation is exclusively God's action; it is a pure opus Dei and the essential link which unites us to the source of salvation is exclusively spiritual and divine. Neither the human race as such, nor the Church, nor Our Lady can play any active part in the work of salvation. But if we reject the co-operation of Mary and the Church on the grounds that God alone is active in the work of salvation, then we must also be in disagreement as to the part played by Christ's humanity in that same work. Thus the disagreement between Catholics and Protestants extends from the regions of Ecclesiology and Mariology into that of Christology.

The purpose of Pere Congar's essay is not to widen the breach between Catholicism and Protestantism, but rather to mark out the differences so as to uncover the path of progress towards unanimity and unity.

C.T.

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MEET ST. TERESA, by Joseph P. Kelly. Pustet Inc., New York, 1958. 4 dollars. 208 pp.

Our imagination reeled slightly before the title hinting at a folksy talk on the Mother of the Carmelite Reform: would she be lost among the stars and stripes? Not at all. After the first few baroque pages where epithets chase each other through a maze of puns, we are rewarded by the companionship of Teresa herself—dear, noble and sincere. It speaks well for the author of this latest Teresian biography that he abandons his stylistic exuberance once he becomes absorbed in his subject. We really do meet la Madre of Avila.

It is evident that Mgr. Kelly did all the necessary reading before beginning his labour—for labour it must have been: to present in a most readable narrative of two hundred pages the

intricate story of the saint's life. His devotion to St. Teresa is evident, and many a reader, making here her acquaintance for the first time, will live to be grateful for a spiritual contact powerful enough to lift one's life on to a higher plane: to "the pastures of the mountains of Israel." It is to the pastures of prayer that St. Teresa continually invites us: her whole life was such an invitation.

Without expressly saying so, Mgr. Kelly sets the interesting facts of her life against the background of her prayer. In the earlier part of the book he draws our attention several times to Teresa's poignant explanation of her tepidity: "I had ceased to pray." She was still *saying prayers,* but the prayer of the heart was suffocated by the thorns and briars of self and the world. Her biographer rightly sets great store on Teresa's definition of mental prayer (including, of course, true vocal prayer) as "friendly conversation with Him Who we know loves us." It was the anchor in all stormy vicissitudes.

The historical setting of the sixteenth century is accurately and vividly sketched: among various telling paragraphs are those on Philip II of Spain and priests who helped or hindered St. Teresa in her work of Reform. Occasional snippets from her letters reveal her personality and that of her correspondents. To a priest, an apparent hypochondriac, who had evidently written a long description of his trifling ailments, she writes: "I am quite well myself at present, but, if I were as good at complaining as you are, you would think your troubles were nothing at all." The priest was, of course, one of her spiritual children in the Reform.

Towards the end of the book we are told that the first community of nuns invited to U.S.A. was a cloistered Carmelite community from Belgium. They accepted, and were thus the first of the fifty-five convents of Discalced Carmelite Nuns now flourishing throughout the States. It is encouraging to think of a busy parish priest in New York with the heart and ideals of a contemplative.

M.O.

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SAINT PAUL AND THE MYSTERY OF CHRIST, by C. Tresmontant. Trs. Donald Attwater: London, Longmans: Men of Wisdom Series. pp. 190. 6/-.

In a series bearing the caption, "Men of Wisdom," it is most fitting that the Apostle of the Gentiles should early be a subject. But let it be noted from the outset that this book is not a history nor yet a "life" of the Apostle, it is rather an interpretation of the thought and spirit which activated St. Paul to do and write the things that he did—we are given a clear indication of this purpose in the sub-title "and the Mystery of Christ."

However, details of "Time, Place and Background" are quite

adequately treated in the chronological table and the interesting introductory section—it is surprising how complete and satisfactory a coverage is given in these thirty-five pages. The next section, "Design and Purpose of God's Work," covering forty-four pages, is "an endeavour to give the elements of a biblical theology made from St. Paul's standpoint." The remainder of the text and by far the longest part, sub-headed, "Paul, Worker with God," "tries to show Paul's place in the decisive moment of the history of God's people, and how his actual, concrete experience, his whole life is a source of theological truth for him and for us."

Just how far the author succeeds in these two aims is debatable. He certainly gives us many insights and signposts to such a synthesis of St. Paul's thought and position but the analysis lacks clarity and finality. The abundant and apt quotations, which are one of the best features of the work, make the pages live with the vigour of Pauline prose, but on the other hand they often leave us just where we began with the bare text of the epistles, faced with all the problems of exegesis and synthesis involved in their understanding.

Again the reader is confused by the defective presentation of two apparent contradictions in Pauline teaching: the universalist tendency of Judaism opposed to its exclusiveness and the problem of the abrogation of the Mosaic Law opposed to the permanence of its substance.

The bibliography does not attempt to give the sources used, but is "a selection of books recommended as complementary reading to the present statement of St. Paul's theological thought."

In a book of this compass, the whole of which is "devoted to a summary examination of what this divine mystery is that was given to the world," i.e., the divine mystery shown forth in the Incarnation, we could not expect a thoroughly exhaustive treatment of so vast a subject. Despite the few defects noted, there is good value in the many provocative thoughts presented. The book is advertised as "lavishly illustrated," a claim fully justified. The wealth of illustration alone makes this a book worth having.

P.F.M.

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DANTE LIGHTS THE WAY, by Ruth Mary Fox. Bruce Publishing Coy., Milwaukee, 1958, pp. xix + 30. Price 51/-.

No one can understand much of the *Divine Comedy,* that greatest poem of Christian civilisation, without some master to guide him through all its historical, religious, social, philosophical and theological vastness. Here is a book written by a most competent Dantian with just that purpose in view. It is an excellent book. One reading won't suffice to reap the rich harvest with which it is bursting. It has a background of thirty years of teaching Dante,

of scholarly research, sensitive meditation and profound reverence for the genius who gave the world a timeless miracle of song.

The book is not a commentary or exegesis of the text of the *Divine Comedy*. It is something more fundamental, for it aims at initiating the reader into an appreciation of the man Dante, his times, his mental climate, his world of thought and doctrine. It has three parts. The first part is an introduction to Dante and the *Comedy*. It tells of the man, the times, the great opus. Here we have a vivid picture of a tumultuous age torn by politics yet one in faith; an age seething with intellectual life and moral endeavour; an age whose restless soul the sovereign poet of Christendom captured and made immortal. We have also an excellent outline of Dante's objectives, his method, the structure of the *Comedy*. The *Comedy* is not just Dante's journey; it is the journey of the human race from the fall of Adam to the goal of consummated glory; it is the journey of every man through life and after life; it is a challenge to men in every age to follow the purgative way that they may find again the pristine beauty of the pre-fall Adam and come at last to divine glory. The author charts the tortuous journey with admirable skill, bringing out the literal, allegorical, moral and mystical meanings of the great *Danteid*.

The second part of the book is a lucid exposition of Ideas Central to Dante's Thought. It treats of his Angelology, his Mariology, his Christology, his doctrine on God's perfections and the Blessed Trinity. One readily sees that only a Catholic can really appreciate the mighty poem of faith and love which is so thoroughly theocentric and Christo-conscious because it is the complete work of a great Catholic Theologian. The third part, entitled The Road to Peace, is a fine explanation of Dante's ascetical and mystical theology. It lays bare his thoughts on man's nobility and baseness, free will, sin, the soul's purification, illumination and union with the divine Spouse.

We hope this fine book will bring many to drink deep at the pure fountain of beauty, truth and wisdom—Dante's superlative *Divine Comedy* which is a divine light mercifully let into the darkness of the world.

T.M.

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THEOLOGY FOR BEGINNERS, by Frank Sheed. Sheed and Ward, London, 1958.

One gains the impression that Dr. Sheed started off along the road to religious knowledge in much the same way as anyone else, advancing gradually to a knowledge of God, Christ, the Church, the Mass and the Sacraments. At this point he parted company with the great majority who advance no further, and even in the company of the minority elite, he

traced out a path which is characteristically his own. This explains why his "Theology for Beginners" is not just another book, but is a unique and, in a way, an indispensable book. No other book, to the present reviewer's knowledge, quite catches the essence of Catholicism as does Sheed's, so much so that whoever has not read it and assimilated its contents is, as a Catholic, the poorer.

Sheed is an ideal Catholic mind, either clerical or lay (he rather combines the two in his unique distinction as a layman Doctor of Divinity), and it is this book which, together with its big brother, "Theology and Sanity," portrays this ideal Sheed at his best. Sheed has faith as every Catholic must have it, but whereas too many duck behind the shield of faith for shelter in the face of real difficulties, Sheed marches right into the enemy camp using faith as a weapon, not as a shield. He has never believed in the alleged opposition between faith and reason; he has never created a no-man's land between the two. It has been his great achievement to demonstrate to the average person that Catholic belief is not only rational, but that it is sheer common sense, and that it is not the Catholics but the Rationalists who are in fact the irrational ones. Read "Theology for Beginners" and you will feel you would have to be a fool even to doubt, much less to deny the Catholic Faith.

Sheed's leitmotiv in this book is the doctrine of the Blessed Trinity. "God *is* Trinity. The Trinity is not an extra. It is God. If men omit the doctrine of the Trinity, because they do not know it, they can still be talking about God. But, if knowing it, they omit it, how are they talking about God? How are they talking *to* God?" (p. 52). Sheed would have been worth observing the day the doctrine of the Trinity dawned upon him, or rather, hit him. He probably jumped into the air wild with excitement. That was almost certainly the day when he turned into the type of man he is to-day—clear, coherent, apostolic. He saw the full meaning of the Trinity and saw that every other article of Catholic belief finds its exact meaning in the light of the Trinity. He could never return to the state of a man with faith but without the fullest understanding open to man. He emerged from the position of some Catholics who have no difficulty with the main truths but who prefer to tuck the Angels and indulgences and Limbo into a corner, feeling it would all be so much better if these untidy, almost irrational and fanciful little pieces had not been tagged on to the main truths. To Sheed with his vision of the total reality, the Angels and indulgences and all the rest fit in necessarily and neatly.

Chapter IV on the Blessed Trinity is an excellent sample of the quality of the whole book. No one, priest or layman, will read this chapter without feeling that he has understood the doctrine

for the first time—and his feeling may quite well be a reliable pointer to the truth. This reader-reaction is typical throughout the book: we find ourselves continually repeating such phrases as "I never saw it that way before," "I never realised that before," or simply "I didn't know that before." The priest in particular will find a thousand suggestions for "putting over" the great truths in dogmatic sermons which, he knows from experience, so often fail to catch and keep the congregation's attention.

Having read it, the priest will be anxious that his parishioners should read it. Many of them will read it and appreciate it if only they come to know about it. Many others will not read it, so the priest will have to read it to them. What countless opportunities he has at the many meetings where he is expected to come up week after week with original and attractive presentations of Catholic truth! Legionaries of Mary, Catholic Actionists, Holy Name men, etc., could all to with and would all appreciate what Sheed has to offer in this splendid book, and the priest will be spared for some weeks and even months the ghastly thought at the tea table: "What am I going to say to them to-night?"

Dr. Sheed is Australian at its best. He illustrates what the Australian mind, with its love for the concrete, down-to-earth approach, is capable of achieving—not a second best, but a gem of a work which has probably taught Catholics throughout the world much they had ignored or had failed to realise in their faith.

G.J.

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THE PRACTICE OF THE RULE, by Louis Colin, C.SS.R. (Mercier Press, 1957. 240 pp. 21/- stg.)

In spiritual matters there seems to be a *zeitgeist* moving throughout history as we live it. Thoughtful people find themselves increasingly interested in some special aspect of truth; they speak their thoughts and are surprised to find that in their own circle or in books from overseas people are discovering fresh aspects of truth and beauty. The Spirit is moving where it wills. Some such thoughts came to us when confronted with this book under review.

The writer is an experienced French religious, already the author of a dozen spiritual books, most of them published in an English translation. Unlike several of the volumes this one is attractively set out in good, clear type with well-spaced chapters and headings. (Crowded pages of small print can kill a book.) Both the matter and the style of this book on the Rule make it a valuable addition to the library of every religious house; for, if saints in convents and monasteries throughout the ages

have grieved over careless observance of the Rule, how fares it with us who have no grill to screen us from the world?

With a grim touch of humour the author tells of a nun, who, a few hours before her death, confided to her director her remorse about not being a saint, saying: "What should I have done to be a saint?" The reply was not comforting: "My good Sister, aren't you familiar with this wonderful little book, your rule? If you had lived this rule you would have been a saint." One can but wonder on what lines direction had been given. Was Sister never asked about her observance? Talk of the will of God, without reference to the rule, seems an unreal form of spirituality for any religious.

Father Colin has collected generously from the writings of saints who were either founders of religious orders or were subjects of uncommon sanctity built on their love of the rule. He emphasises the truth that our redemptive vocation as religious is bound up intimately with our attitude to the rule, which in its turn has its roots in faith, confidence and love. He makes many practical suggestions that should lead to an increased appreciation of the rule as a force in our spiritual growth. One is, a regular day on which to make a rule the subject of our mental prayer.

Since, as our author remarks, "every observance of the rule causes an increase in grace, in the infused virtues and gifts of the Holy Ghost," religious should esteem their rules as the well-springs of supernatural life. The materialism of the secular world is pressing on our senses. How shall we save the citadel of the heart? How shall our spirit fly high and swiftly, as St. John of the Cross urges, unless it loves the law that it has chosen?

M.O.

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MAN AND WOMAN—Introduction to the Mystery of Marriage, by Baron Frederick Von Gagern, M.D. Mercier Press. 1/6 (sterling).

Let it be said from the beginning that anything written by Von Gagern has been highly recommended. This short, but telling treatise is no exception; it is the answer to the problem which often faces priests, parents, teachers or engaged couples who understandably wish to pass on or obtain knowledge of the facts of life. Von Gagern is a Catholic Psychiatrist; his writings have the happy blending of the spiritual and the material. His views steer therefore along the sound, safe, healthy middle course. Sex and love in marriage is healthy, beautiful, sacred and pleasurable. Hence his attitude and views are an antidote against both the modern commercialised and degrading physical emphasis on sexual matters and the old fashioned ideas that all response to sex must be inhibited; that sex is to be feared, and it is disgusting and unhealthy. This latter attitude

often stems from the negative approach of parents who wish to keep the mystery of sex and love a complete secret, who because of their own embarrassment or their own attitude, keep their own children in the dark. I won't tell you any more about this book. You should read it for yourself; I am sure you will not be disappointed. It is short and the price makes it more valuable still.

E.P.P.

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THE CONQUEST OF ANXIETY, by Dr. Johanna Herzog-Durck. Translated from the German by Meyrick Booth, Ph.D.

In this interesting little book of 140 pages from the Mercier Press, Dr. Herzog-Durck explains for the layman the origins and development of neurosis and the curative process of psycho-therapy. The theory occupies the first 28 pages and it is then followed by case histories.

Dr. Herzog-Durck uses simple non-technical language and her illustrations are good. Worthy of note is the fact that she does not isolate the emotional side of man's nature in a kind of psychological disembowelling. She stresses the true nature of man as body and soul and even goes so far as to suggest that "neurosis" is, in a fundamental sense, a state of quarrelling with God.

In the description of the curative process, she gives an excellent summary of the essence of the psycho-therapeutic relationship which she says "is not reproduced in any other kind of interchange between one human being and another," and she goes on to compare this relationship with that which exists between priest and penitent and which is so essentially different.

The second section of the book deals with twelve case histories. These are interestingly told, concise and illustrative of her point that "the decision to undergo psychotherapeutic treatment is the first step along a path of inward development." Any professional worker in this area would sigh for such a wonderful collection of patients—all intelligent and ripe for psychotherapy. So many of them are not.

M.McH.

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TOWARDS CHRISTIAN UNITY IN CANADA, Irenee Beaubien, S.J. Palm Publisher, Montreal, 1956. 184 pages.

In January, 1952, the Catholic Inquiry Forum opened the first series of twenty-six lectures designed to inform interested non-Catholics on questions of Catholic belief and practice. Father Irenee Beaubien was the founder and first lecturer; and in this book he gives some account of the methods followed and of the fruits reaped in the first few years of work. Father Beaubien is a French-Canadian of the Province of Quebec, which means that his childhood was spent in surroundings where religion was the norm of life, and disunity in belief was

unthought of. After he had joined the Society of Jesus at the age of twenty, he was sent to teach for some years in the college at St. Boniface, Manitoba. The diversity of religions was specially manifest in that western province; and Father Beaubien was struck not only by that fact, but also by the evident desire of many to find unity of belief and worship. He hoped that he would be able to work to bring about that unity.

Given the opportunity, he visited many places in the United States where Catholic Inquiry Forums had been set up, and studied the methods in use. He met some of the principal workers in this field, such as Monsignor Fulton Sheen, Father James Keller and others. Circumstances seemed to conspire to choose Montreal as the site for the Canadian Catholic Forum. That city, with a Catholic history of three hundred years, is placed just where two cultures meet. The traveller going west from French Canada will there first meet diversity of cult and creed, while the one going east will there first begin to make contact with the unity of faith and life which dominates the eastern part of Canada. Where better would one realise the desirability of religious unity, where find a field giving greater promise of its realization?

Chapter five gives an account of the origin and methods of the Forum at Montreal. The enquirers who came were told that the "approach would be entirely expository and not controversial; that, as far as possible, we wished in twenty-six lessons to give them a fair resume of Catholic doctrine and practice" (p. 59). At the time of writing there were three series of lectures in English each year. "These lectures," says Father Beaubien (p. 61), "are an outline of dogma, morals and worship. We give three lectures on the Holy Eucharist, including the Sacrifice of the Mass. We explain with particular attention the meaning of confession. We emphasise the importance of prayer."

The first part of the book (pp. 1-80) was originally published separately. Apart from the first chapter, which is a statistical review of the non-Catholics in Canada, most of what is said in this part of the book will be of use to all who are working in the field of conversions; and perhaps the interest would be enhanced, at least for Australian readers, if the first chapter were omitted, or placed at the end of this section. The second part gives an account of the impressions of many who took the course and found through it what they were seeking, security and peace in faith. While these narratives are varied and attractive, there is nothing that could be classed as exceptional or altogether extraordinary. The simple stories, simply and voluntarily told, may encourage many seekers to enquire, and many instructors to feel gratitude that their message can find so spontaneous an acceptance amongst people in so many different walks of life.

J.S.K.